

INFORMATIONAL HEARING, ENVIRONMENTAL SCOPING  
MEETING and PUBLIC SITE VISIT

BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:	)	
	)	
Application for Certification for	)	Docket No.
the Oakley Generating Station	)	09-AFC-4
Project	)	
_____	)	

OAKLEY CITY HALL  
3231 MAIN STREET  
OAKLEY, CALIFORNIA 94561

MONDAY, NOVEMBER 9, 2009

5:38 P.M.

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBERS PRESENT

James D. Boyd, Presiding Member

HEARING OFFICER AND ADVISORS

Paul Kramer, Hearing Officer

Sarah Michael, Advisor

Galen Lemei, Advisor

STAFF AND CONSULTANTS PRESENT

Kevin W. Bell, Senior Staff Counsel

Joseph Douglas, Project Manager

PUBLIC ADVISER

Loreen R. McMahon, Deputy

APPLICANT

Scott Galati, Attorney  
Galati and Blek, LLP

Bryan J. Bertacchi, Chief Executive Officer  
Greg Lamberg, Senior Vice President, Project  
Manager  
Jim McLucas, Senior Vice President Engineering  
Radback Energy

Keith G. McGregor  
CH2MHILL

ALSO PRESENT

Kathleen Truesdell  
Bay Area Air Quality Management District

Carol Rios, Mayor  
Denis Nishihara  
City of Oakley

ALSO PRESENT

Federal D. Glover, Supervisor  
Contra Costa County

Joe Ciolek, Executive Director  
Agricultural-Natural Resources Trust of Contra  
Costa County

Charlie Coane

Steve Nosanchuk, President  
Oakley Chamber of Commerce

Ric Onalfo

Chris Anderson  
ARB, Inc.

Gary Dennis  
Steamfitters Union Local 342

Gil Guerrero  
Contra Costa County Professional Firefighters

Eve Diamond  
Oakley Citizens for Responsible Growth

Juan Moreno

Gary Woodworth

Doug Hardcastle

Barton Hershel  
International Brotherhood of Electrical Workers

Robert Bustos

Steve Eckley  
Steamfitters Union Local 342

Mike Heckathorn

Michael Hernandez, Business Representative  
Plumbers and Steamfitters Union Local 342

Kevin Crosby, Technical Director  
The Avogadro Group, LLC

ALSO PRESENT

Chris Lauritzen  
Lauritzen Yacht Harbor

Mark B. Smith  
Trident Engineering

Dorothy Lashbrook

Michael Tays  
UA Steamfitters Union Local 342

Tony Amador

Vincent Wells, President  
Firefighters Local 1230

B.H. Basavaraj  
Trident Engineering

Iris Obregon

Marco Gonzalez  
Carpenters Union

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## 1 P R O C E E D I N G S

2 5:38 p.m.

3 PRESIDING MEMBER BOYD: Good evening,  
4 ladies and gentlemen. Welcome to the  
5 informational hearing and public site visit for  
6 the Oakley Generating Station project. My name is  
7 Commissioner Jim Boyd, California Energy  
8 Commission. I am the -- here comes the volume; he  
9 said he was going to start off slowly and quietly,  
10 so he's caught up with me.

11 I'm the Presiding Member of the Siting  
12 Committee for this particular site. The Associate  
13 Member of the Siting Committee, Commissioner --  
14 now, I'm too loud, right -- Commissioner Douglas  
15 is unable to be here tonight. But I'm sure she'll  
16 be at subsequent hearings.

17 It's my great pleasure to welcome you  
18 all, and we'll go through some more introductions  
19 and some more formality, but we have the very  
20 unusual honor and pleasure tonight to have members  
21 of Boy Scout Troop 152, who are going to bring us  
22 the colors and lead us in the Pledge tonight.

23 So, gentlemen, having been a Boy Scout  
24 once --

25 (Whereupon, the Pledge of Allegiance was

1                   recited in unison.)

2                   PRESIDING MEMBER BOYD: Well, thank you,  
3                   Scout Troop 152. And if I may the mistake of  
4                   saying Boy Scout Troop at the beginning, I noticed  
5                   my error. Things have changed since I was a Boy  
6                   Scout, it's now Scouts. So, thank you very much.

7                   As I indicated, Commissioner Douglas and  
8                   myself constitute the Siting Committee for this  
9                   particular siting case. As you'll hear from the  
10                  procedures that'll be described by staff, we  
11                  conduct siting cases by committees of two of the  
12                  five Commissioner at the Commission. And our  
13                  hearings are normally conducted by Hearing  
14                  Officer, Mr. Kramer, here, who I'll turn the  
15                  microphone over to in just a moment.

16                 Representing Commissioner Douglas  
17                 tonight, at the far end of the dais, to my right,  
18                 is her Advisor, Galen Lemei. To my left is my  
19                 Advisor, Sarah Michael. And they will be in  
20                 attendance with us at all future hearings and will  
21                 advise the Hearing Committee.

22                 Without any other further ado, I think  
23                 now I will turn the microphone over to Mr. Paul  
24                 Kramer, who is the Hearing Officer assigned to  
25                 this case. He will help us conduct hearings and

1 will help the Committee, too, with the entire  
2 process of the procedure, and with the ultimate  
3 decision sometime down the road. You'll learn  
4 more about timing later on.

5 So, Mr. Kramer, if you would.

6 HEARING OFFICER KRAMER: Thank you,  
7 Commissioner Boyd. Let's continue with the  
8 introductions. First the parties, beginning with  
9 the applicant.

10 MR. GALATI: I'm Scott Galati  
11 representing the applicant. Greg Lamberg, Project  
12 Manager for the applicant. To my right here,  
13 Bryan Bertacchi, Chief Executive Officer of  
14 Radback Energy. Behind me to the left here, Jim  
15 McLucas, Senior Vice President of Engineering for  
16 Radback Energy.

17 Keith McGregor from CH2MHILL. Keith,  
18 raise your hand. Thank you. Eric Zell from Zell  
19 and Associates. Greg Darby from Atmospheric  
20 Dynamics. Bonnie Sublett (phonetic) from Zell and  
21 Associates. And I want to thank Bonnie for the  
22 absolutely fantastic spread she provided for all  
23 of us tonight.

24 Denis Nishihara, if you could raise your  
25 hand, Denis. I want to thank you really for all

1       your hard work in making sure that the audiovisual  
2       in this room is going off without a hitch. Denis  
3       has really worked hard to make this all come  
4       together. So, thank you, Denis.

5               I want to thank Scout Troop 152 for  
6       their presentation of the colors tonight. We  
7       really appreciate it.

8               And last, but certainly not least, I'd  
9       like to thank the City of Oakley for providing us  
10      with this absolutely wonderful first class  
11      facility that we're meeting in tonight.

12              HEARING OFFICER KRAMER: Hear, hear.  
13      Staff.

14              MR. BELL: Good evening, ladies and  
15      gentlemen, thanks for coming tonight. My name's  
16      Kevin Bell; I'm Senior Staff Counsel with the  
17      California Energy Commission, representing staff  
18      in this matter.

19              To my right is Joe Douglas, the Project  
20      Manager.

21              HEARING OFFICER KRAMER: Okay, I don't  
22      believe we have any intervenors in this case yet.  
23      We'll explain what that means later.

24              Mayor Carol Rios, I know, wanted to come  
25      up and say a few words on behalf of the city.

1                   MAYOR RIOS: Hi. I just wanted to  
2                   welcome you to Oakley, and I hope you had a very  
3                   good day. It's good for you to be here just to  
4                   reassure folks that their questions will be  
5                   answered. And I appreciate the time that you've  
6                   spent to get to know us.

7                   And you are welcome to use this facility  
8                   at anytime in the future. It's always at your  
9                   disposal.

10                  And I think our Boy Scout -- Scout Troop  
11                  152 really epitomizes what Oakley's all about.  
12                  We're hometown; we're -- family's important to us.  
13                  And I'm glad we had the opportunity to share that  
14                  with you.

15                  And with that, I say, welcome to you,  
16                  and very interested in knowing more about this  
17                  project. Thank you so much.

18                  PRESIDING MEMBER BOYD: Thank you very  
19                  much.

20                  HEARING OFFICER KRAMER: And then  
21                  Supervisor Federal -- sorry, need my glasses --  
22                  Glover from the County Board of Supervisors.

23                  SUPERVISOR GLOVER: Thank you. I also  
24                  would like to welcome you here tonight, as well as  
25                  the audience. It's great to see so many people

1 show up and have interest in a project that may  
2 bring value to this community.

3 Let me just say that I've been before  
4 the Commission on a number of occasions over the  
5 past 13 years of my elected position. And so we  
6 look towards Commissioner Boyd and Douglas for a  
7 good outcome.

8 One thing that I will tell you, that as  
9 a member of the Pittsburgh City Council, is that  
10 we've had great opportunity to work with some of  
11 the Radback folks that brings a lot of value to  
12 the project, itself.

13 In the City of Pittsburgh we did two  
14 power plants. One is the Delta Energy Center and  
15 the other is Los Medanos Energy Center. And one  
16 thing that we need to be reminded of is that with  
17 new facilities coming in place it takes down the  
18 older facilities and bring more efficient use to  
19 our communities that is environmentally safe. And  
20 this is what we need to be doing for our  
21 residents.

22 We also established the Gateway project  
23 that's within the City of Antioch, a PG&E project.  
24 When I think in terms of, you know, all of the  
25 power that's generated here within district 5 of

1       Contra Costa County, I'm pretty proud of it  
2       because we have some very well-run systems here  
3       within this district. Before we would not have  
4       been able to say that, but I'm proud of the fact  
5       that we have energy efficiency that is throughout  
6       the district.

7               Not only that, but the other piece is  
8       that we're supplying over 15 percent of our power  
9       generated in the State of California, right here  
10      in district 5. With this plant coming online that  
11      will increase that. Not only will it do that, but  
12      it will allow us the opportunity to put people  
13      that are not working, to work, with a local hire.  
14      It will give us the opportunity to meet a lot of  
15      the economic demands that we have here within the  
16      community. And it's going to put a lot of labor  
17      folks to work in terms of construction of the  
18      site.

19             So we really have a jewel here, and we  
20      have an opportunity to enhance what's going on in  
21      the community to continue to provide great  
22      services, to enhance that.

23             The other thing that's important to be  
24      noted here is that we're not talking about taking  
25      a land that is outside of an industrial site and

1        putting it into use.  You're going to an  
2        industrial site that this will be the right type  
3        of a fit for that particular area.

4                So, I would encourage you today to  
5        really look at this favorably as you continue to  
6        listen to the comments today.  There will always  
7        be some degree of resistance, but I think that for  
8        Oakley it will provide a great opportunity going  
9        forward.

10               One thing that I do want to mention this  
11        evening to you all, as well as to citizens of  
12        Oakley, is that the county stands to have some  
13        gain on this particular project also.

14               And so one of the things I, as a  
15        district supervisor, in the last eight years have  
16        looked at is our inability to deliver quality fire  
17        service.  So one of the things I would ask my  
18        county board of supervisors to do is take a  
19        portion of whatever that revenue gain is and for  
20        some period of time and put it into enhancing the  
21        level of service here within the City of Oakley.

22               So, again, we thank you for the  
23        opportunity to speak before you and the community.  
24        And I would hope that you would really give the  
25        consideration for this site.  I think it's a great

1 opportunity and an ideal location.

2 Thank you very much.

3 PRESIDING MEMBER BOYD: Thank you,  
4 Supervisor. And if you've been coming before the  
5 Energy Commission for 13 years, you've got five  
6 years over me. I've only been a Commissioner  
7 eight years, so you ought to be sitting up here.

8 SUPERVISOR GLOVER: Yeah, I know, some  
9 of the faces are not familiar anymore. Thank you.

10 PRESIDING MEMBER BOYD: They're retiring  
11 all around me every day. So, thank you very much.

12 HEARING OFFICER KRAMER: Do we have any  
13 representatives of other state, federal or local  
14 agencies in the audience who wanted to just  
15 introduce themselves at this time? If you want to  
16 make comments, we ask you to do that later. But  
17 if you want to come up and introduce yourself now,  
18 please feel free to do so.

19 MS. TRUESDELL: I'm Kathleen Truesdell,  
20 Permit Engineer, from Bay Area Air Quality  
21 Management District.

22 HEARING OFFICER KRAMER: Thank you.  
23 Could you leave a card with the court reporter?

24 And that's one of the things I need to  
25 remind everyone to do. I gather nobody else

1       wanted to come up and introduce themselves. But  
2       when you do come up to speak to us, make sure you  
3       speak into one of the microphones so that it can  
4       be recorded, and then later transcribed into a  
5       transcript. And if you want to see your name  
6       spelled correctly in that transcript, your best  
7       bet is to either spell it out when you're up at  
8       the microphone, or give a card to the court  
9       reporter.

10               And while you're not required to, we'd  
11       like you to fill out one of these blue cards that  
12       are available in the back, near the entrance on  
13       this side, if you want to speak. That'll help me  
14       set the order of speakers so we get some variety,  
15       and also if you print very clearly that will  
16       substitute for a business card for the court  
17       reporter's sake.

18               There are some documents at the back  
19       table. Feel free to take those. They may be gone  
20       by now, but there are some copies of my slide  
21       show, for instance.

22               And then the Committee would like to  
23       thank the applicant for providing the refreshments  
24       at dinner today. That food, if there's any left,  
25       is available for everyone. And providing it this

1 way allows us to complete our events more  
2 expeditiously.

3 We've asked the applicant to post the  
4 per-meal price outside by the table, and to  
5 provide a way for the members of the Committee to  
6 provide reimbursement. The idea being that we  
7 have a policy that, as decisionmakers in this  
8 case, we and our immediate staff do not accept  
9 gifts of any kind, and we reimburse the cost of  
10 things such as dinner, to comply with that policy.  
11 The rest of you, of course, are probably not as  
12 limited and may feel free to do as you wish.

13 Next slide. Over the years I've  
14 identified what I call an acronym soup. It's kind  
15 of a cheat-sheet to explain the bureaucratic  
16 nomenclature that we use for some of the documents  
17 that you'll see in our power plant siting cases.

18 AFC, that's an application for  
19 certification; that's something the applicant  
20 filed to get this thing started.

21 The Air District will eventually issue a  
22 preliminary determination of compliance, which is  
23 its report on how the project complies with the  
24 air quality regulations that it applies. And it  
25 will talk about things like the Commission's

1 offsets that the project will be obtaining and  
2 various other issues.

3 After receiving that and more  
4 information from the applicant, the Commission  
5 Staff will produce a preliminary staff assessment.  
6 And one thing to note there is that in our process  
7 the staff assessments take the place of an EIR.  
8 So there will be no document that will be labeled  
9 an EIR for this project. It will consist of the  
10 preliminary and then the final staff assessments.  
11 So if you sit at home waiting for an EIR to arrive  
12 in your mailbox, you'll find that this project has  
13 been decided and you still won't have an EIR.

14 And that is because we were -- under the  
15 CEQA statute, we're permitted as -- our process is  
16 permitted as basically the equivalent of the  
17 normal CEQA process.

18 The final determination of compliance is  
19 the second report from the Air District on the  
20 project's air quality issues.

21 Next slide. Then the staff will write a  
22 final staff assessment, which then leads to the  
23 Committee holding hearings. So basically you  
24 probably won't see us again here in Oakley until  
25 the point in time after the final staff assessment

1 comes out and it's time for the Committee to hold  
2 its hearings.

3 After the hearings are closed and all  
4 the evidence is in, the Committee will prepare a  
5 Presiding Member's Proposed Decision. And that  
6 then goes to the full Energy Commission for their  
7 review and either approval or disapproval.

8 LORS is something you'll hear the staff  
9 talk about a lot. That's just shorthand for all  
10 the laws, ordinances, regulations and standards  
11 that apply to this or any other project like it.

12 And CEQA is the California Environmental  
13 Quality Act, the law that requires that projects  
14 of any significant magnitude have an environmental  
15 analysis before a public agency makes a decision  
16 on them.

17 The agenda for tonight is that our  
18 Deputy Public Adviser, who many of you have  
19 probably met coming in, will describe how the  
20 public can participate in our process. Then the  
21 applicant will describe the project.

22 Commission Staff will describe our  
23 permitting process in more detail, staff's role in  
24 that process. And they will talk about the  
25 potential environmental and other issues that

1       they've identified at this point in the process.

2               Then the parties will discuss scheduling  
3       and other matters that are raised in the staff's  
4       issues identification report. We'll receive  
5       presentations from interested agencies.

6               And finally, we'll take public comments  
7       and questions. Well, not finally; then we have a  
8       few housekeeping items which should go relatively  
9       quickly.

10              Following that, the Committee will issue  
11      a schedule for the project in roughly one to two  
12      weeks.

13              The ex parte rule is the one rule that  
14      probably the only law that we'll lecture you about  
15      this evening. And that's about your interface as  
16      members of the public with the Committee.

17              The key thing here is the Commission's  
18      decision is supposed to be based solely on the  
19      evidence that's presented at our evidentiary  
20      hearing, that will happen after the final staff  
21      report is issued, and our process be fair. So  
22      that everybody who's participating needs to be  
23      aware of all of the evidence that has been  
24      presented to the Commission and that we rely on in  
25      preparing and making the decision.

1                   So, to do that, we have a couple rules.  
2           Basically, all the discussions with the Committee  
3           Members or Advisors about a matter of substance,  
4           and that would be something like, I don't like  
5           this project because, or I like this project  
6           because, or I think you really need to do this to  
7           take care of a particular problem that's been  
8           identified.

9                   That needs to occur in a public meeting  
10          or be in writing. For instance, you can send an  
11          email to the Committee, an email to staff,  
12          something that can be shared with other people.  
13          Whereas a hallway conversation is kind of hard to  
14          share.

15                  But that prohibition does not apply to  
16          discussions of procedural issues, such as when our  
17          next hearing is going to be; or in the course of  
18          scheduling events I'll be talking to the applicant  
19          or to the staff about when they're available, you  
20          know, the details of arranging for this room and  
21          those sort of things. Those are not prohibited.

22                  Similarly, a member of the public could  
23          call me and ask when the next hearing is going to  
24          be. Something like where can they find a  
25          document. Most of those questions can also be

1        answered by the Public Adviser, so I would suggest  
2        that you go to her first. But if you did have  
3        that kind of discussion with me or one of the  
4        Members of the Committee, that would be perfectly  
5        appropriate.

6                To stay informed about the project there  
7        is a special internet page, a subpage on the  
8        Energy Commission's website. You may notice at  
9        the end there it says Contra Costa. And that was  
10       because when the application was originally filed,  
11       it was called Contra Costa Generating Station.

12               Before we put out the notice for this  
13       event, the applicant decided to change the name.  
14       And we were able to change it on things like the  
15       notice, but we already had quite a few webpages  
16       that were set up in the old arrangement. And, you  
17       know, all the webpages linked together. So our  
18       webmaster decided it would just be too difficult  
19       and perhaps disastrous if we change the name of  
20       the directory on our service. So, it's Oakley for  
21       everything else but our website, where it's Contra  
22       Costa.

23               One of the things you can do is get on  
24       an email list so you'll receive notification of  
25       significant events such as when a major document

1 is posted to our website. And the address to sign  
2 up for that is the second entry on this slide.

3 And there you can pick this power plant  
4 case. If you want to compare it to others, you  
5 could sign up for various cases. My point to you  
6 is that our website is -- I think it's very well  
7 organized, but I'm used to it. But I think it's  
8 navigable by just about anyone. And you can learn  
9 an awful lot down there on that website.

10 And if you're comfortable with the  
11 computer then you won't be chewing up a lot of  
12 paper, either. A recent case just where a staff  
13 analysis just came out, the analysis was over 1000  
14 pages. So, if you could look at things online,  
15 you know, you'll save a lot of trees and also it  
16 will be a lot easier. You'll get things quicker  
17 if you go to the website to get them rather than  
18 waiting for the mail.

19 The final page here just has some  
20 contact information. Others will be repeating  
21 this, so I won't.

22 So, with that, I think I've given all of  
23 the admonitions for the moment. So, let's dip  
24 right into the agenda by introducing our Deputy  
25 Public Adviser, Loreen McMahon.

1 MS. McMAHON: Welcome. I'm going to  
2 face this way because my job is to deal with the  
3 public.

4 (Not at microphone.)

5 MS. McMAHON: It's particularly  
6 important for us to see so many of you here today.  
7 So we're really glad that you took the time to  
8 come down. Public participation and your  
9 involvement in the process is very important to  
10 us.

11 Your knowledge of the community and any  
12 comments that you've made on the project is  
13 something that you need to do because you live  
14 here. And so it makes our project better to have  
15 your involvement.

16 Public participation is a concerted  
17 effort at the Energy Commission. We have five  
18 individual offices that focus on different types  
19 of outreach to make sure that we get the word out  
20 into your community.

21 In fact, it's so important to us that we  
22 have an office, also, that's dedicated to just  
23 working with you. That's my office, the Public  
24 Adviser's Office.

25 Our job is to help you understand the

1 process and to work with you to participate.  
2 We're going to help you work your way through the  
3 different stages of it. It's a quasi-judiciary  
4 process. There are some things that will probably  
5 be foreign to you.

6 We can make recommendations for the best  
7 way for you to be involved. And we can assist you  
8 in successful commenting and participation. And  
9 of those ways I'll get to near the end.

10 Okay. But the outreach by the Public  
11 Adviser's Office, we start out with putting  
12 notices to the city and county officials. And I  
13 don't know if you can see this very well, but my  
14 presentation is in the back. It will also be  
15 posted online later.

16 We also focus on broad categories of  
17 community, churches, civic groups, schools,,  
18 environmental and social organizations, so that  
19 they can also notify their members so we can make  
20 sure that more people are informed of the project.

21 We also do paid advertisement. We put a  
22 notice in The Contra Costa Times, (inaudible)  
23 newspapers. We have a website, public service  
24 announcements that we request from the cities and  
25 the chambers in your area. And we also contacted

1 the local tv and radio stations.

2 Others in our office have done outreach  
3 in different avenues. Our siting division does  
4 the postal service mailing. They notify residents  
5 within (inaudible) project, or 500 feet of the  
6 linears that are associated with the project.  
7 They get direct notification.

8 They also get copies of the AFCs to  
9 local libraries. So many of your local libraries  
10 will have these, and local agencies in your  
11 community will get copies of the AFC. So they'll  
12 have the information.

13 Our Hearing Office also sends out  
14 noticing. They send mail notices to the project  
15 mailing list which consists of the residents and  
16 the libraries and the agencies. And they also  
17 send it to the proof of service list.

18 And our proof of service list is our  
19 electronic mailing list. You sign up for that.  
20 There's my sign-up sheet in the back where you  
21 sign up to be on the mailing list, or to get  
22 electronic notification. Or you can go on the  
23 website and sign yourself up. This is just in  
24 case you want me to help you with that.

25 And while I'm mentioning this, I have

1 three pages of these back here. One of them has  
2 walked off my table, so I can't help people sign  
3 up if I'm missing that page. So if you could  
4 check your papers that you have and see it if  
5 accidentally got scooped up. I'd appreciate that.  
6 Just set it back on the back table.

7 Okay. And the rest of our outreach is  
8 done by our Executive Director. She directly  
9 contacts your local elected officials. And our  
10 media office does press releases, -- those local  
11 outlets.

12 Okay, so no that you're here and if you  
13 want to get more information we have many ways to  
14 get more information. At the Commission you can  
15 get it on the website, as the Hearing Officer has  
16 already mentioned to you.

17 You can get it through our library. We  
18 have a library with copies of it in the Sacramento  
19 office. And then we have the local libraries that  
20 are listed. They're listed on my presentation in  
21 the back. And then dockets. If there are items  
22 that you see that are listed in the project  
23 website that aren't directly linked into the  
24 website, you can request those documents from  
25 dockets.

1                   And a tool that will help you get to all  
2                   of that is the listserver. It keeps you notified  
3                   of what is on the docket. U.S. Mail, we send out  
4                   continued notices of coming events. And you can  
5                   contact my office at anytime, and we have staff  
6                   that will assist you.

7                   Okay, so in your community you also have  
8                   avenues in which to get information, and it's the  
9                   libraries that I mentioned. And the libraries  
10                  will also have internet access for you, or, of  
11                  course, through your home internet.

12                  Okay, we have two distinct levels of  
13                  public participation in our process. One is  
14                  called informal and one is called formal.

15                  The informal part of the process is just  
16                  comments that the general public or interested  
17                  parties might make. They're considered by the  
18                  Commission; they're considered by the project  
19                  manager; they're part of the record, but they're  
20                  not evidence. And that was something that the  
21                  Hearing Officer also went over with you. It has to  
22                  be testimony to be raised to the level of that  
23                  consideration when the Commissioners are making  
24                  their decision.

25                  You can make your voice heard, though,

1 through verbal comments at this meeting. You  
2 could write letters to the docket at anytime. You  
3 can speak at other meetings that we'll be having  
4 in the community. And then you can contact me.

5 And then to become a formal participant,  
6 it's a process that's gets you -- it's called  
7 being an intervenor. We have the forms on the  
8 website, or again, you can contact me for that.

9 Anyone can be an intervenor. You don't  
10 have to be an attorney or have an attorney  
11 represent you. There are benefits and  
12 responsibilities associated with this. That will  
13 be on the next slide, but I'm not ready yet.

14 If you determine that that's the best  
15 way for you to get your input into the process,  
16 you'll want to fill out a petition to intervene.  
17 And the Committee will get your petition and make  
18 a determination as to whether or not to allow that  
19 intervention.

20 If they do, you become a formal party  
21 and you have the same rights and responsibilities  
22 as the other formal parties, which include the  
23 applicant and the staff, and any other entity,  
24 individuals or groups that have intervened.

25 So these are the types of

1       responsibilities and benefits that you have when  
2       you intervene. You get to receive information;  
3       you get full participation in the process; you can  
4       file documents and serve them on all parties;  
5       present evidence and witnesses; cross-examine.

6                You can ask for more information.  
7       There's a lot more involved in that, and a lot of  
8       that is on our website. And some of that is in  
9       this brochure that I have in the back, as well.

10               Things to keep in mind: You want to  
11       stay informed of the process, so I encourage you  
12       to take advantage of all the ways that we've  
13       listed to get you to keep informed and get  
14       information. To make comment in any of the  
15       various forms that suit you. And attend these  
16       public events. Staff will also inform you of  
17       workshops that we're having in the area, as well.  
18       So there's a lot of opportunities for you to be  
19       involved.

20               And if you want to speak today, make  
21       sure that you fill out a blue card and give it to  
22       me. And then for that side, it's just some  
23       contact information. And that's also in the back.  
24       Thank you.

25               HEARING OFFICER KRAMER: Thank you. One

1 point to stress is if you do want to become an  
2 intervenor you're better off doing that early in  
3 the process than waiting till the last minute.  
4 Because, by and large, we don't stop the whole  
5 project for somebody to catch up. That would be a  
6 very rare circumstance. So you'll find yourself  
7 somewhat at a disadvantage if you wait until just  
8 before the hearings to try to get involved.

9 Our next presentation is from the  
10 applicant.

11 (Pause.)

12 MR. LAMBERG: My name is Greg Lamberg;  
13 I'm the Project Manager for Radback Energy. I'm  
14 supposed to be presenting to the Committee, but I  
15 really want to share this with the public, as  
16 well, so I'm going to do my very best to do this  
17 in the round. And we'll do it for our  
18 presentation to give you an overview of the  
19 project.

20 For those of you who have joined us  
21 today on the bus tour, this is going to put a lot  
22 more of it in perspective. We've got a good  
23 grounding of where things are out there. I think  
24 this will help fill in a lot of the blanks for  
25 you.

1                   Just a quick project overview. The  
2                   Oakley Generating Station is a proposed 620  
3                   megawatt project here in Oakley, California. As  
4                   Hearing Officer Kramer pointed out, we did change  
5                   the name of the project to the Oakley Generating  
6                   Station not too long ago, to kind of give it an  
7                   identity.

8                   The project is actually owned by the  
9                   Contra Costa Generating Station, LLC. So CCGS is  
10                  actually the project owner, and Radback Energy is  
11                  developing the project.

12                 This project is unique from many  
13                 aspects. It addresses PG&E's needs for new and  
14                 flexible resources. This project will utilize  
15                 GE's latest technology. We'll talk a little bit  
16                 more about that technology with some specific  
17                 details about that technology. We're very excited  
18                 about it.

19                 When we ahead, as Supervisor Glover  
20                 pointed out, at the aging infrastructure in this  
21                 county and how we've all come together to work to  
22                 replace that infrastructure and create new,  
23                 efficient resources, and when you compare this  
24                 facility to some of the other facilities out along  
25                 the corridor, it's 40 percent more efficient than

1       those older plants.

2               The project will utilize state-of-the-  
3       art technology, as I've mentioned, from General  
4       Electric. Their rapid-response technology, and  
5       the new fast-start with fast-response technology.  
6       We'll talk a little bit more about that and why  
7       that's so advantageous to a project like this to  
8       PG&E and to the community, as a whole.

9               We talked about, on the site, where we  
10      point out the Gateway facility, pointed out the  
11      large air-cooled condenser. And air-cooled, dry  
12      cooling, if you will, is a state-of-the-art  
13      technology that lets us minimize water usage for  
14      this plant.

15              So when we compare this plant to plants  
16      that were built just five or ten years ago that  
17      use water cooling, we'll use 93 percent less water  
18      than one of those water-cooled designs. We're  
19      very excited about that.

20              This plant, when compared with older  
21      existing resources, resources just built a few  
22      years ago, will produce significantly less  
23      greenhouse gas emissions, largely because of  
24      General Electric's new state-of-the-art  
25      technology. We're going to give you more on that;

1       just be patient, if you will.

2                   And the project will be powered by  
3       clean, environmentally responsible natural gas.  
4       This is the same natural gas that comes to your  
5       homes, that you cook with, and heat your water  
6       with and heat your homes with. Very clean  
7       burning, natural gas.

8                   A quick overview of the project. Contra  
9       Costa Generating Station, LLC, has signed an  
10      agreement with Pacific Gas and Electric Company  
11      for this project. So, Radback Energy, who's the  
12      parents of Contra Costa Generating Station, LLC,  
13      will develop this project. We will build this  
14      project. And when the project reaches commercial  
15      operation, the project will be transferred to the  
16      Pacific Gas and Electric Company, who will own and  
17      operate this project for its 30- or 40-year useful  
18      life.

19                  Let's talk about jobs a little bit. I  
20      see a lot of folks here in the audience who are  
21      interested in jobs. I spoke to a lot of people on  
22      the tour; I spoke to a lot of people at dinner.  
23      When are the jobs coming? What kind of jobs will  
24      this create? How can I participate? Here's my  
25      card, call us. Obviously there's a lot of folks

1 in this community looking for jobs -- to tell the  
2 community with regards to jobs.

3 The project, you have to understand  
4 power plants. It creates a huge shot of adrenalin  
5 into the economy with development and  
6 construction. Then it kind of tails off a little  
7 bit.

8 But during that huge shot it will reach  
9 a peak, we will create over 700 union jobs here in  
10 Oakley. And where are those jobs going to come  
11 from? They're going to come right here in Contra  
12 Costa County. They're going to be your neighbor;  
13 they're going to be your uncles and aunts,  
14 boyfriends, girlfriends, what-have-you. This is  
15 the community I'm talking about. And this is  
16 where the jobs are going to be created, 700 union  
17 jobs. We have a little bit more about that later.

18 Then, as I mentioned, the economic  
19 benefit kind of tails off a little bit as the  
20 project reaches conclusion. As the project  
21 reaches conclusion and the construction jobs start  
22 tailing off a little bit, this plant will employ  
23 20 professionals for the lifetime of the plant.  
24 These will be 20 living-wage jobs for the  
25 operations of the facility.

1                   We'll also talk about residual jobs that  
2                   are created. And that's one of the themes here,  
3                   as well. And we talked about the General Electric  
4                   state-of-the-art technology. We're going to talk  
5                   a little bit more about all the jobs that has  
6                   produced to make that technology a reality as we  
7                   sit here today.

8                   I was going to give the public just a, I  
9                   got a couple questions today on the bus, actually.  
10                  How long has this process been going on? What's  
11                  the history here? How did you guys get to this  
12                  point? So I'd like to give you all just an  
13                  overview of the process that we've been going  
14                  through that brought us in front of all you fine  
15                  folks here this evening.

16                 If we look, the procurement process in  
17                 California is a very complex animal, it takes  
18                 quite a bit of time. We go back to September  
19                 2005, the Energy Action Plan was adopted. And  
20                 this is a plan whereby the utilities, the  
21                 investor-owned utilities, Pacific Gas and Electric  
22                 Company, Southern Cal Edison, San Diego Gas and  
23                 Electric, working in concert with the California  
24                 Public Utilities Commission, with input from the  
25                 Energy Commission and other stakeholders in those

1 processes, go forward and determine their needs  
2 going forward.

3 And this need was going out, I believe,  
4 to 2016 with regards to the identification of the  
5 need on the systems to keep all of their lights  
6 on.

7 In December of 2007 the California  
8 Public Utilities Commission approved those  
9 proceedings. They approved PG&E's long-term  
10 request for offers, so that PG&E could go out to  
11 the market and look at what the market had to  
12 offer with regards to what made the most sense for  
13 its customers; what made the most sense for its  
14 load; what made the most sense of phase, because  
15 PG&E as our local utility, has an absolute  
16 obligation to serve, to keep the lights on.

17 And they have to plan forward. You can  
18 see how lengthy this process is. They have to  
19 plan out forward to make sure they can meet that  
20 need at all times.

21 Energy, my friends, is a very unique  
22 commodity. It's one of the very few commodities  
23 known to mankind that has to be used and produced  
24 in real time. You cannot efficiently store it,  
25 yet. So PG&E has to produce it as we want to use

1       it. And so they have to look forward to 2014,  
2       2015, 2016 with regards to what they need.

3               In April 2008 they actually came out  
4       with request for offers. I don't have exact  
5       specifics because the information with regards to  
6       how many bids they received is kept confidential  
7       by PG&E and the California Public Utilities  
8       Commission. We have reason to believe that there  
9       was over 50 bids submitted to PG&E.

10              And through those 50 bids, they waded  
11      through those bids to figure out what made the  
12      most sense; what was in the best interests of the  
13      ratepayer; what was the most dependent power out  
14      there to keep our lights on, keep costs low for  
15      Californians.

16              In October 2008 while going through that  
17      process, the Oakley Generating Station, as the  
18      time the Contra Costa Generating Station, was  
19      short-listed -- that means we were put from the  
20      large group into a small group -- to entertain  
21      dialogue with PG&E in contractual negotiations to  
22      see if we would, indeed, get across the finish  
23      line.

24              In September of 2009, Contra Costa  
25      Generating Station in 2009, signed a purchase and

1 sale agreement with Pacific Gas and Electric  
2 Company that would essentially allow us to develop  
3 and build this plant, and transfer the ownership  
4 of that plant to the Pacific Gas and Electric  
5 Company.

6 What these proceedings are about is  
7 these proceedings are about is that plant going to  
8 comply with all laws, ordinances, regulations and  
9 standards, and can we, indeed, site that plant  
10 here in Oakley. That's why all these folks are  
11 here.

12 The California Public Utilities  
13 Commission is in a different process to approve  
14 those contracts. The filing was made by Pacific  
15 Gas and Electric Company on September 30th. And  
16 we believe that's about an eight-month process  
17 under which those projects will be looked at by  
18 the California Public Utilities Commission, and  
19 ultimately either approved or not approved as part  
20 of PG&E's filing.

21 Local economic stimulus. I don't think  
22 we could be before you at a better time to talk  
23 about local economic stimulus and the importance  
24 of stimulating the economies here in east county,  
25 and specifically in Oakley.

1                   We talked about job creation. Let's  
2                   talk a little bit more about the numbers and let's  
3                   get at the numbers. Up to \$10 million annually in  
4                   property taxes will be created by this facility.  
5                   And as Supervisor Glover pointed out, hopefully  
6                   some of those funds will go to the necessary  
7                   services that we all need here in Oakley. The  
8                   fire department, paramedics, policy services.  
9                   These are the types of services that we're talking  
10                  about funding from the tax revenue generated from  
11                  this facility.

12                 It will produce over \$6 million in one-  
13                 time sales tax from building this facility here in  
14                 the City of Oakley. Payroll we talked about; 700  
15                 union jobs, okay. Our friends and neighbors.  
16                 That's about \$120 million worth of payroll that's  
17                 going to invest in this community, and give back  
18                 to this community.

19                 Historical numbers have shown us about  
20                 \$4 million in construction materials and goods  
21                 will be purchased locally. And that's -- I mean I  
22                 wish we could do that for 30 or 40 years with  
23                 these projects. It's just not in the nature of  
24                 the beast. But, you know, with the early shot of  
25                 adrenalin of the 700 union jobs and all those

1 additional benefits, and then the tax base for the  
2 City of Oakley for the next 30 or 40 years.  
3 Again, paying for those services that we all  
4 desperately need here out in east county.

5 Radback Energy, Inc. is Radback Energy,  
6 and where do these guys come from? Radback  
7 Energy, Inc., myself, Bryan Bertacchi, our CEO,  
8 Jim McLucas, our Senior Vice President,  
9 Engineering. We're all ex-Calpine employees. We  
10 are energy professionals with over 25 years  
11 experience. We've worked together at Calpine.  
12 Jim has a lot of experience working with CH2MHILL.  
13 He has experience with the wind business working  
14 for Third Plant Wind (phonetic).

15 Bryan is a known entity in northern  
16 California. He was a senior executive at Calpine  
17 Corporation. He's been with the Northern  
18 California Power Authority. Worked for GE early  
19 in his career. And worked for PG&E for a little  
20 bit of time in his career.

21 Myself, General Electric, Calpine and  
22 did some investment banking for awhile with  
23 renewables, and down here with Radback Energy.

24 So we have a long history of working in  
25 the county. We've done a number of plants. We

1 did the Delta Energy Center in Pittsburg. We did  
2 Los Medanos in Pittsburg. And we did the  
3 Riverview Center in Antioch.

4 We know how things get done in this  
5 county. We understand the ports use facilities in  
6 east county here. We know a lot of folks who are  
7 going to be working on these projects. And we are  
8 just delighted to be here again in east county  
9 working on another power plant venture.

10 We went out and looked at the site  
11 today. If you look on the top left here, I think  
12 it's purple - is it purple -- the box here. This  
13 is the City of Oakley general plan for 2020. And  
14 we can see the area that we looked at, from a land  
15 use perspective, is viewed as -- I can't read --  
16 it's utility/energy. So from a land use  
17 perspective, it's been -- a long time with this  
18 old DuPont facility. All the infrastructure it  
19 has on it, with the gas lines right there, the  
20 transmission right there, the water infrastructure  
21 right there. We think a perfect site for a  
22 facility of this nature.

23 And here is the site. We took a walk  
24 out there today. The area in yellow, I need some  
25 kind of laser point at this point, but I don't

1 think I could point at the four screens at the  
2 same time. So, follow along.

3 The area, that little --

4 HEARING OFFICER KRAMER: Do you want  
5 one?

6 MR. LAMBERG: Thank you, that will --  
7 (Laughter.)

8 MR. LAMBERG: You guys in the City of  
9 Oakley are lucky to have this guy, I hope you  
10 realize that. He's on top of everything.

11 Where that's pointing right now that's  
12 actually the project site where we walked today.  
13 We walked out on the roadway. Narrow strip, and  
14 then the large strip is where the majority of the  
15 project will be located.

16 You can see where the transmission lines  
17 come off the site. You can see where the gas  
18 station with the gas interconnection is right  
19 there. We'll have a photo, we can show that you.  
20 This is basically your presentation trying to show  
21 you the entire transmission routing. We're going  
22 to see that on the site just a little more.

23 Let's talk about the site specifics -  
24 take a real close look at that. As you saw today  
25 on the site visit, adjacent to PG&E's major gas

1 transmission terminal, the end of that terminal.

2 We have good transmission available to  
3 us right outside with a minimal linear of about  
4 2.4 miles that we're going to improve. You saw  
5 along the site today, all those old lattice  
6 towers. We're going to replace all those towers  
7 with very clean, modern looking tubular steel  
8 poles, for a much more visually enhanced view  
9 throughout that corridor.

10 We talked about the dry cooling and the  
11 benefit. Again, dry cooling, folks, 93 percent  
12 less water usage than a similar plant that would  
13 use water for cooling.

14 A 620 megawatt project on a 22-acre  
15 site. Adjacent to the site, as you'll see on the  
16 next slide, we have a 20-acre laydown area for the  
17 construction purposes. And in the audience, for  
18 all you engineering folks in the audience, you  
19 know how important it is to have a good laydown  
20 space right next to your job site to minimize  
21 moving equipment around and keep things working  
22 efficiently.

23 And we've worked through these details  
24 to make sure we have the accurate laydown space  
25 immediately adjacent to the site so that we can be

1 as efficient and optimize our construction cycle  
2 as we go forward.

3 We have a rail site adjacent to the  
4 facility. We have four -- spurs -- six spurs, six  
5 spurs there. And we're going to use those spurs  
6 to bring in large heavy equipment. Some of this  
7 equipment weighs in excess of 300 tons. So we  
8 want to keep it off the county roadways and get it  
9 onto that rail site and get it out of the way.  
10 We'll bring it onto the site, we'll place it, and  
11 then when we complete this project, we'll actually  
12 take those rail sidings out of there. And limit  
13 the use of those going forward.

14 The existing water structure, as Jim  
15 McLucas pointed out to us on the tour, it's all  
16 there onsite. We have a major waterline running  
17 right through our site. And the Ironhouse  
18 Sanitary District, sanitary sewer lines running  
19 right along Bridgehead Road.

20 So we're doing a lot to minimize the  
21 linears for this site. And minimize any potential  
22 impacts too the public as we're constructing it.

23 I'm zooming in on the site here again.  
24 You just saw the site. One of the things that's  
25 really interesting about the site, and we're

1       really excited about what we were able to do in  
2       our plant design.

3               You can see on the top of that yellow  
4       box there, the treeline. And a lot of folks asked  
5       about that treeline during the tour today. We're  
6       not removing any of those trees. Actually we're  
7       using that treeline for screening. We're going to  
8       nestle our air-cooled condenser right along that  
9       treeline to minimize the visual impacts of the  
10      plant from the north.

11             We've got good coverage from Main Street  
12      to the south with all the oleanders planted along  
13      Main Street. We're doing everything we can to  
14      kind of enhance the visual problems associated  
15      with the plant.

16             To the right of the yellow -- that white  
17      area, those 20 acres of construction laydown that  
18      I was talking about, right there. That's our  
19      construction laydown over there. The rail siding  
20      I was talking about is right to the bottom of our  
21      yellow trapezoid there.

22             You can see the Antioch gas terminal  
23      from PG&E adjacent to the site. Line 303, line  
24      400, both run through there. And we're looking at  
25      interconnecting the two, into both of those lines

1 to get some optionality and better reliability to  
2 the plant should there be a problem on one of  
3 those gaslines.

4 We have Bryan Bertacchi to give you a  
5 little overview on the new state-of-the-art  
6 General Electric technology that this project will  
7 employ.

8 MR. BERTACCHI: Thanks. The equipment  
9 supplier of the major equipment on this project is  
10 going to be General Electric Corporation. And  
11 General Electric, of course, is a USA-based  
12 corporation, but it's global in nature.

13 And GE, just like all of us in the past  
14 couple years, has been impacted by the worldwide  
15 financial markets. We all know about all those  
16 downturns.

17 And at the same time, while all these  
18 financial markets were in trouble, still many of  
19 us Californians, and even General Electric, is  
20 concerned about climate change.

21 So what were GE's goals in the midst of  
22 all this? And GE was interested in developing a  
23 world class, sustainable -- and sustainable  
24 meaning environmentally and economically  
25 sustainable; things need to make economic sense to

1 really help them be sustained environmentally.

2 And brand new technologies.

3 So what do they do? They wanted to  
4 create new benchmarks in the industry. And to do  
5 that, that takes significant investment in R&D.

6 They also wanted to be an environmental  
7 leader. And when they looked at the market for  
8 that, they looked for improvements that could  
9 resolve in substantial change. I thought it was  
10 just incredible when I looked at the numbers,  
11 myself, recognizing that 15 percent of the  
12 electricity generated in the United States comes  
13 from these 7FA units, like the ones that will be  
14 installed in Oakley, 15 percent.

15 And in California alone we looked at the  
16 numbers and we found that 33 of these units are  
17 installed here in California. That's quite a  
18 large number.

19 And so any improvements to this fleet  
20 can have a big substantial impact. Not only alone  
21 here in the county, but nationwide, and even  
22 worldwide.

23 And so what did GE do? They invested  
24 \$3.4 billion in fossil fuel R&D. And in 2008  
25 alone, while all of us were having trouble in the

1 environment, and we still are, with the economics,  
2 they invested \$1.4 billion in 2008. And just  
3 alone, in the test facility for this machine, they  
4 invested \$100 million.

5 And they went out and they used a third  
6 party, Ecomagination, which is part of Green Order  
7 in New York City, to certify any improvements that  
8 are making.

9 And, you know, why does any of this  
10 matter to any of us? The Oakley plant represents  
11 the first contracted units for this new technology  
12 worldwide. So Oakley's the first place to have  
13 these plants potentially.

14 And what are the results of that? It's  
15 going to be faster starts on this machine, meaning  
16 that there's going to be lower annual emissions.  
17 A lot of the emissions come from the startup and  
18 shutdown of the plants.

19 It's going to have greater turndown.  
20 That means they can come down to a lower load when  
21 they're not needed, but stay online and be ready  
22 to support reliability if they're, in fact, needed  
23 quickly.

24 And that means they'll have a faster  
25 response to grid challenges. If we have problems

1 on the grid with whatever it might be, PV, solar,  
2 wind, whatever it could be, it'll be there to have  
3 faster response to support those technologies.

4 Lower emissions. This plant, as Greg  
5 said, compared to a plant that is just a couple  
6 years old, is going to produce 19,000 tons less of  
7 greenhouse gas than just the same technology  
8 that's just a couple years old. It's going to be  
9 more efficient; it's going to save about \$2  
10 million in gas over plants, again, that are just a  
11 couple years old. So a lower cost of energy for  
12 all of us per megawatt hour.

13 And, again, in California, if the  
14 existing 7A fleet is upgraded with this new  
15 technology, it could result in 313,000 tons per  
16 year of greenhouse gas reductions. And up to \$35  
17 million per year in fuel savings.

18 And so people who have this technology,  
19 not only in California, but nationwide and  
20 worldwide, will be looking to Oakley and how this  
21 plant functions to be able to consider doing the  
22 upgrades to their own facilities. So, again, I  
23 think California has an opportunity to demonstrate  
24 leadership and environmental stewardship and in  
25 new technologies.

1                   Thanks, Greg.

2                   MR. LAMBERG: Thank you, Bryan. I think  
3                   now you can see why we were so excited about this  
4                   new technology. And we're really excited about  
5                   moving it forward and having Oakley be really a  
6                   showcase for California, as well as the nation,  
7                   and actually the world, with regards to the  
8                   utilization of this new technology.

9                   Our project development team, we  
10                  introduced the team earlier, but we've been doing  
11                  this a long time. We've done other projects in  
12                  county, and we have really selected the A-Team  
13                  here to bring this project to bear and bring this  
14                  project online.

15                 CH2MHILL is acting as our environmental  
16                 consultant. A world-class company with over  
17                 18,000 professionals, engineers and scientists,  
18                 throughout the nation and the world. And we're  
19                 just delighted to be working with CH2MHILL on the  
20                 environmental aspects.

21                 Our Air quality consultant, Atmospheric  
22                 Dynamics. We've worked with them all in  
23                 California, and I'm here to tell you Atmospheric  
24                 Dynamics is, without question, the best air  
25                 quality consultant in the State of California.

1                   Our CEC counsel, Scott Galati and Bob  
2                   (inaudible). We've done a number of projects with  
3                   these guys. The beautiful thing about working  
4                   with Galati/Blek, the legal structure, they find  
5                   solutions, they find answers. That's why they're  
6                   here as part of this team.

7                   Major equipment supplier, General  
8                   Electric. I think we've done enough of a  
9                   commercial for General Electric tonight. But, I  
10                  think, again you can see why we're so excited  
11                  about utilizing that General Electric technology.

12                 EPC contractor, still on the site of  
13                 EPC, Engineer Procured Construct. One of the  
14                 largest contractor -- engineering and  
15                 construction, utilizing the local labor that we  
16                 have on the ground here. Put everything together  
17                 that works.

18                 Engineering, we're utilizing Black and  
19                 Veatch. Black and Veatch was Pacific Gas and  
20                 Electric Company's engineer on the nearby Gateway  
21                 Station. There's a lot of lessons learned. They  
22                 understand what works and what doesn't work, what  
23                 can be done better. And we're incorporating all  
24                 those lessons learned to make this project even  
25                 better than the last project that was built here

1 in the county.

2 Our public relations, we're working with  
3 Eric Zell and Bonnie Sublett to make sure that  
4 we're doing as much outreach as possible. I think  
5 the CEC has given all of us an excellent recipe  
6 here tonight for doing that outreach. We're  
7 obviously concerned with doing outreach, and we're  
8 doing as much as we can to help with the  
9 professionals.

10 Let's talk about the project schedule.  
11 We talked earlier about how long this process is.  
12 And then I heard Mr. Kramer mention that the  
13 filing of the application for certification began  
14 this whole process.

15 We filed the application for  
16 certification on June 30th of this year. And as  
17 the CEC reviews, that, the application, the first  
18 major milestone is the achieve of the data  
19 adequacy milestone. We were data adequate on  
20 about 9/23.

21 Data adequacy is the point in the CEC  
22 process at which the application is deemed  
23 complete and the clock starts ticking on the  
24 permitting process. Our achievement of data  
25 adequacy is what precipitated this meeting here

1       tonight, and getting all these people from  
2       Sacramento to take times out of their evenings,  
3       miss Monday Night Football, to spend it with us  
4       here in Oakley to talk about this project. We  
5       appreciate that.

6               As we move forward, you're at the public  
7       informational hearing and site visit tonight.  
8       Again, I mention the CPUC approval is expected  
9       probably in April of this year. That's a totally  
10      separate proceeding. You can go to the CPUC  
11      website and try to find it on there. The Energy  
12      Commission is a very easy website to use, the CEC  
13      maintains one of the most user-friendly and  
14      easiest websites to use in the State of  
15      California. And I'd encourage you to check out  
16      the website.

17             We're hoping to receive our final CEC  
18      permit in March of 2011. Start construction in  
19      May of 2011. And bring this project online in the  
20      fourth quarter of 2013. In Oakley, with all of us  
21      here in this room pointing in the same direction,  
22      we can achieve that goal.

23             And thank you for your time. We look  
24      forward to hearing what's on your mind during the  
25      public comments. And we look forward to answering

1       your questions later when we get the opportunity  
2       to do so.

3               Thank you.

4               HEARING OFFICER KRAMER:  Let me start  
5       with two questions for you.  How do these units  
6       compare with, say, traditional peakers, the  
7       LMS100s and the LM6000s, as far as their going  
8       from basically stopped to being able to produce  
9       power?

10              In other words, can they be run as  
11      peakers?  Or do they have to be, as you described,  
12      kind of slow-rolling so then they can ramp up?

13              MR. LAMBERG:  Jim McLucas, our senior  
14      engineer, will address the question.

15              MR. McLUCAS:  ( Away from microphone.)  
16      Basically the whole issue on any rapid response is  
17      to allow the combined cycle efficiency with the  
18      response times that are, you know, typically been  
19      associated with peakers.

20              So, what they do is decouple the gas  
21      turbine from the (inaudible) gas turbines, startup  
22      in simple cycle mode.  And then the steam turbines  
23      can be brought online much more slowly.  And so  
24      it's got a whole bunch of bypass valves to bypass  
25      steam to a condenser, and match steam conditions,

1       temperatures, et cetera, to be able to bring on  
2       the steam from a much slower than a combustion  
3       turbine.

4               HEARING OFFICER KRAMER:   And did I hear  
5       you also say that these features could be retrofit  
6       to some of the newer 7Fs that have already been  
7       built?

8               MR. McLUCAS:   There are a lot of  
9       improvements that General Electric has made to the  
10      7FA, and there's much more output from this unit  
11      than the previous version.   Higher efficiencies.  
12      A lot of these improvements have been designed by  
13      GE so they can be retrofitted backwards to older  
14      units.

15              HEARING OFFICER KRAMER:   But the  
16      decoupling equipment is probably more complicated?

17              MR. McLUCAS:   Yeah.   The decoupling  
18      aspect is more of a system design, so we're  
19      purchasing the General Electric-engineered  
20      equipment package.   So that includes the  
21      combustion turbines, the steam turbine, the heat  
22      recovery steam generators, the distributing  
23      control systems, and a lot of the bypass valves  
24      that allows us to have this decoupling and rapid  
25      response.

1                   And so that could be retrofitted to  
2                   other plants, but the decoupling aspect is --  
3                   would be more of a challenge from a technical  
4                   standpoint.

5                   HEARING OFFICER KRAMER: Yeah, it's a  
6                   bigger deal than just changing the burners.

7                   MR. LAMBERG: Exactly, but the  
8                   environmental benefits that we spoke of, it's not  
9                   required --

10                  HEARING OFFICER KRAMER: Okay, now it's  
11                  time for staff's presentation.

12                  MR. DOUGLAS: Good evening. I'm Joseph  
13                  Douglas, Energy Commission's Project Manager for  
14                  Oakley Generating Station. I'm going to provide a  
15                  brief overview of the Energy Commission's  
16                  licensing process.

17                  The Energy Commission's role. The  
18                  Energy Commission has sole permitting authority in  
19                  California over all thermal power plants 50  
20                  megawatts and greater. This authority also  
21                  extends to all related facilities such as  
22                  electronic transmission lines, water supply lines,  
23                  gas pipelines, waste disposal facilities and  
24                  access roads.

25                  The Energy Commission is also the lead

1       for California Environmental Quality Act, the  
2       CEQA, which was enacted in 1970 in order to insure  
3       that state and local agencies considered the  
4       environmental impacts of their decisions when  
5       approving a public or private project.

6               Overview of the licensing project. The  
7       three phases in the Commission's licensing  
8       process. Data adequacy, discovery analysis,  
9       Committee evidentiary hearing and decision.

10              During the data adequacy phase staff  
11       reviews the application to determine if it meets  
12       the minimum requirements for our technical review.  
13       When the application is accepted as complete, the  
14       discovery analysis phase begins. During the  
15       discovery and analysis phase several activities  
16       take their place to provide staff in the required  
17       information they need in order to complete their  
18       analysis and write a staff assessment.

19              Staff publishes an issues identification  
20       report. The issue ID report for OGS was filed on  
21       July 23rd. This is followed by the data requests  
22       which are developed by staff to obtain further  
23       information in order to more fully understand the  
24       project. At this time staff is working towards  
25       that data request and should provide one fairly

1 soon after we start this process.

2 In addition, staff holds public  
3 workshops to discuss the project issues. Staff  
4 then publishes two environmental documents, the  
5 preliminary and final staff assessments, known as  
6 PSA and FSA.

7 After the final staff assessment is  
8 published, the Committee will begin evidentiary  
9 hearings which will include formal testimony from  
10 all parties. The Committee will produce the  
11 Presiding Member's Proposed Decision, or PMPD,  
12 which is a recommendation on the proposed project.  
13 The PMPD will go before the full Commission for a  
14 final decision on permitting the project.

15 This is a little interactive slide  
16 discussing discovery and analysis process. During  
17 the discovery and analysis process staff develops  
18 the preliminary and final staff assessments.

19 The staff analysis is also dependent  
20 upon input from the applicant, agencies, formal  
21 intervenors and the public. The Public Adviser's  
22 Office also can provide assistance to intervenors  
23 and the public on how to participate in the  
24 overall siting and permitting process for the  
25 project.

1                   A little more on the discovery analysis  
2                   process. Staff discovery analysis process  
3                   examines the project application to determine if  
4                   the project complies with laws, ordinances,  
5                   regulations and standards, commonly known as LORS.

6                   Staff conducts independent engineering  
7                   and environmental analysis of the project. This  
8                   includes identifying issues, evaluating a  
9                   reasonable range of alternatives, including the  
10                  impacts of no-alternative in comparison with  
11                  environmental ethics of the proposed project. And  
12                  identifies measures that could mitigate or reduce  
13                  any potential significant impacts.

14                  Staff also recommends conditions of  
15                  certification that would govern development and  
16                  operation of the power plant.

17                  Evidentiary hearing and decision process  
18                  takes place after the final assessment is  
19                  published. During this process the public,  
20                  intervenors, agencies and the applicant have an  
21                  opportunity to participate in the Committee  
22                  decision. Staff is no longer at the center of the  
23                  process but continues to provide input to the  
24                  Committee and the Commission's final decision.

25                  A little more about the evidentiary

1       hearing and decision process. During the  
2       evidentiary hearing the Committee will accept  
3       testimony from all parties formally involved in  
4       the siting process, as well as public comment.

5               At the conclusion of the hearing the  
6       Committee will issue the PMPD which contains  
7       findings relevant to the project's environmental,  
8       public health and engineering impacts and the  
9       project's compliance with LORS, recommended  
10      conditions of certification. And a recommendation  
11      of whether or not to approve the project.

12             The PMPD is then used by the full five-  
13      member Commission to decide whether or not to  
14      grant a license for the proposed project.

15             If the project is approved and license  
16      granted, the Energy Commission Staff will monitor  
17      compliance with all of the conditions of  
18      certification for the life of the project.

19             This slide shows a little bit of our  
20      contact with our local, state and federal agency  
21      partners. Staff analysis and input to the  
22      Committee's decision requires that staff seek  
23      input from agencies at the local, state and  
24      federal level. Staff participation with these  
25      entities assists us in identifying issues,

1 environmental impacts and appropriate mitigation  
2 measures.

3 Public participation, which was  
4 discussed a little bit earlier. The Energy  
5 Commission's process includes holding meetings,  
6 workshops and making project information available  
7 to those who request it. The project meetings and  
8 workshops will be noticed at least ten days in  
9 advance of the date they are scheduled.

10 Staff maintains project mailing lists.  
11 If you'd like to receive project information and  
12 notices we send out, you can ask to be placed on  
13 the list by checking the box, or on the sign-in  
14 sheet, as available on the front table.

15 Copies of the project application are  
16 available for public review at a number of  
17 libraries, as well as on the Commission's website.  
18 The website lists the documents that have been  
19 filed and docketed in the siting case. You may  
20 also contact the docket unit about document  
21 availability.

22 This should say OGS. Project contacts.  
23 And this lists the contacts, their phone numbers  
24 and their email addresses. Mine, for me, you can  
25 contact me at area code (916) 653-4677. And

1       please don't hesitate to call me for any  
2       information or questions you might have.

3               The project contacts for Radback and  
4       CH2MHILL, I think, were discussed earlier from the  
5       applicant.

6               Staff's issues identification report.  
7       The purpose of the report is to inform the  
8       applicant, project participants, the public, the  
9       Committee of potential issues staff finds relating  
10      to the project. It also provides focus on  
11      important topics that might affect the project and  
12      the staff's analysis of the project.

13              The criteria used in determining whether  
14      something is identified as an issue. The  
15      potential for any significant impacts that might  
16      be difficult to mitigate; noncompliance with laws,  
17      ordinances, regulations and standards; or there  
18      will be a conflict with the schedule.

19              And we have identified three issues that  
20      need to be looked at to prevent any impacts to the  
21      schedule. The first one is air quality. And  
22      being that this is the Bay Area Air Quality  
23      Management District, which exceeds ozone and  
24      particulate matter concentrations, and they have  
25      an extensive review time, we felt this was an

1 issue that needs to be looked at right away so  
2 that the schedule won't be impacted.

3 Next issue is noise. It may require  
4 additional noise mitigation. The noise,  
5 operational noise, may cause a little bit of an  
6 increase in decibels, so that staff identified  
7 this as a possible potential for additional  
8 mitigation, and maybe a little more time to look  
9 at some different ways to abate the noise.

10 The final issue was transmission systems  
11 design and the effects of the proposed project on  
12 the ability of the transmission network to meet  
13 reliability standards.

14 And it says and required to determined  
15 potential need for downstream transmission  
16 facilities. And a prolonged delay in release of  
17 the system operator study, or any significant  
18 transmission line upgrade requirement could result  
19 in delay in the completion of the staff's  
20 transmission system analysis.

21 The staff's proposed schedule. The  
22 proposed schedule is subject to several external  
23 factors, including staff's ability to meet  
24 scheduled deadlines, applicant timely response to  
25 information requests, required actions or comments

1       by associated agencies, and resolution of any  
2       identified issues.

3               However, the Committee will issue a  
4       scheduling order several weeks after the  
5       information and site visit which will include  
6       official project schedule, additional instructions  
7       or comments. So this is just a preliminary  
8       schedule.

9               If the project has been granted a  
10       license by the Energy Commission, the project  
11       moved to post-licensing activities, with oversight  
12       by the compliance project manager at the Energy  
13       Commission.

14               Most projects include a number of  
15       conditions of certification that must be met  
16       before groundbreaking activities occur, and during  
17       construction, operation and decommissioning of the  
18       project.

19               It is the responsibility of compliance  
20       project manager to work closely with the applicant  
21       to meet these conditions of certification once the  
22       project has been approved.

23               Thank you for your time.

24               HEARING OFFICER KRAMER: Thank you. Mr.  
25       Galati, did you wish to respond to the scheduling

1 issues raised by that report?

2 MR. GALATI: Thank you very much. I'd  
3 like to respond to a couple of things. First on  
4 the issues identification report. We agree with  
5 staff on the issues that they've identified. I  
6 think we'll work closely with staff to resolve  
7 those.

8 I'd like to also bring to your attention  
9 something that's recently come to our attention  
10 that we want to let you know that we've been  
11 working on. And that is Mr. Bertacchi was at a  
12 meeting and there was a local resident, who also  
13 has a yacht harbor, and I believe he's here today,  
14 and he had experienced some deposits, maybe, on  
15 the boats that were in and around the marina. And  
16 was concerned that a plant such as ours could be  
17 responsible for some of those things.

18 Obviously, we're not, because we're not  
19 built yet. But I can tell you that we've pledged  
20 to work with this individual to understand that  
21 particular issue and to insure that our plant  
22 cannot result in those kinds of particulate  
23 emissions.

24 It is important to note that we are in  
25 an industrial facility. There's lots of other

1 sources. Our understanding is that there's been a  
2 report to the Bay Area Air Quality Management  
3 District, and that they might be investigating.

4 I wanted to let the Committee know that  
5 that is an issue here in the public; that we'll  
6 work hard to inform you of what might be going on;  
7 and pledge to work with this individual and staff  
8 to insure that our project is a good neighbor,  
9 does not result in those kinds of depositional  
10 impacts.

11 PRESIDING MEMBER BOYD: Mr. Galati, I  
12 thank you for that last comment. We're getting  
13 ahead of the public hearing process, but I  
14 appreciate you bringing that up. I have read Mr.  
15 Lauritzen's letter to the Commission and I was a  
16 little concerned, quite frankly, as a boat owner  
17 through most of my life.

18 And I made notes here that this is  
19 something that hopefully the Bay Area Air Quality  
20 Management District representative in the audience  
21 has taken note of. And as just referenced by our  
22 staff, we do engage in post-licensing activity for  
23 the life of a project. And I was going to refer  
24 this issue to them just with regard to existing  
25 facilities.

1                   Certainly your new facility has nothing  
2                   to do with it, but I'm sure you're going to be  
3                   concerned about a baseline against which you might  
4                   be judged.

5                   So I appreciate your comments; it's a  
6                   point well made. And something certainly we'd be  
7                   concerned about.

8                   MR. GALATI: Thank you, Commissioner.  
9                   And my last point would be -- well, actually, two  
10                  more. I also wanted to let the public know that  
11                  the applicant team is not bound by the same ex  
12                  parte rule in speaking with the public.

13                  We are bound by the rule in speaking  
14                  with the Committee and staff, but if the public  
15                  needs or wants some additional information, or  
16                  wants to engage in communication with us, all you  
17                  have to do is pick up the phone.

18                  We'll be hanging around after this  
19                  meeting if anybody would like to come talk to us,  
20                  particularly exchange some information. But we'd  
21                  certainly like to engage with you to the extent  
22                  that you'd like to. Otherwise we'll see you in  
23                  these public hearings in which we'll also offer  
24                  that in every public hearing.

25                  Mr. Hearing Officer, I do have one

1       proposed change to the schedule. And that is in  
2       these times of competing resources on projects,  
3       I'd like you to consider building into the  
4       schedule a status report, or a status conference,  
5       a time in which we can schedule in and around the  
6       preliminary staff assessment, some face time with  
7       the Committee to talk about resources; and to talk  
8       about the progress of the case.

9               I've worked on cases in which I've had  
10       to make motions to the Committee to be able to  
11       have those dialogues and conversations. Maybe the  
12       dialogue is -- we understand, and we can't do  
13       anything about it. But maybe there's some  
14       creative solutions that we can come to at these  
15       kinds of meetings.

16              I'd like to put them on the calendar, if  
17       I could. And I'm only asking for one. And that  
18       would be shortly after the preliminary staff  
19       assessment comes out around February 19th. And if  
20       we could schedule that status conference I think  
21       that that would be very helpful to us.

22              We do support staff's schedule. We  
23       would like to meet that schedule, and we'd like  
24       the Committee to adopt that schedule. And we do  
25       know we have an experienced team that by us

1 providing information in an incomplete way we can  
2 help achieve that schedule.

3 So with that one change we'd ask you to  
4 approve that schedule.

5 HEARING OFFICER KRAMER: I would say  
6 that providing the information in a timely manner  
7 is certainly a prerequisite to meeting the  
8 schedule. As a practical matter, knowing all  
9 that's going on at the Commission, there are so  
10 many things that might cause this to slip.

11 And I think we're generally hesitant to  
12 schedule lots of status conferences, certainly,  
13 because they take up a lot of resources. The  
14 staff has to prepare for it, and that's time not  
15 spent doing the actual work of analyzing projects.  
16 Committee time is in short supply, too, at times.  
17 But we'll certainly take that under consideration.

18 I wanted to ask a slightly related  
19 question, and that's what kind of status report  
20 interval do the parties think is appropriate. I  
21 think normally I've been saying every two months  
22 in cases, at least at the start like this. But  
23 then, as we get closer to the end I sometimes  
24 crank it up to as low as once a month.

25 What would you suggest as the

1 appropriate interval to begin with?

2 MR. GALATI: We certainly don't want to  
3 inundate the Committee, but if you read the status  
4 reports we'd be happy to report to you every  
5 month.

6 HEARING OFFICER KRAMER: Staff?

7 (Laughter.)

8 PRESIDING MEMBER BOYD: We promise to  
9 read them. I think I want to give the audience a  
10 little bit of insight on this dialogue that has  
11 gone on. Mr. Galati, who does appear before us  
12 quite often, and is very well aware of the  
13 workload at the Energy Commission.

14 The Energy Commission is a little over  
15 30 years old. At this time we have the greatest  
16 power plant siting case workload in the history of  
17 the Energy Commission. And this is a time of  
18 tough financial times in California. We go  
19 through our three furlough Fridays like the rest  
20 of state government. We've been cut, squeezed and  
21 trimmed severely, like other agencies of state  
22 government. And so we're all facing Herculean  
23 workloads, and the staff is doing a commendable  
24 job.

25 But many project proponents, including

1       Mr. Galati and his clients, are quite concerned  
2       that they get jammed in this queue. And so I  
3       appreciate his concerns about perhaps scheduling a  
4       status conference to be as needed to avoid maybe  
5       the paperwork of making a formal application.

6               And as Mr. Kramer said we understand  
7       that the -- we'll take a good look at it, because  
8       we're trying to expedite it as much as humanly  
9       possible in our process.

10              I have a question for the applicant when  
11       you're ready for it, but I'm going to let you  
12       finish your --

13              MR. GALATI: Go ahead.

14              PRESIDING MEMBER BOYD: -- process and  
15       procedure. I would say it was a wonderful  
16       commercial for GE. I hope you get some  
17       satisfaction from them some way or another for  
18       doing such a good job.

19              Mr. Kramer did dig in, a little bit, to  
20       the technology; and being a technology wonk I  
21       found that very interesting.

22              But it did get me realizing that this is  
23       a fairly unusual case we're dealing with here, not  
24       coming to us as a merchant generator who has  
25       responded to a utility request for proposals, and

1       you don't have a power purchase agreement. You  
2       responded to an RFP, so to speak, and ended up  
3       building a plant that will be turned over to PG&E.

4               Now this is all predicated upon meeting  
5       some need that they identified. But the dialogue  
6       between the rapid-start capabilities of these  
7       newer technologies, and then whether they're  
8       peakers or baseload plants has got me wanting to  
9       ask if you can reveal the offer you made to PG&E.

10              Was it to run this plant basically as a  
11       baseload plant with the unique capability for  
12       rapid start and decoupling in case a peaker was  
13       needed?

14              Or, do we know at this point in time  
15       whether this is going to be predominately  
16       baseload, or is it going to be a split between  
17       being a peaker and being a baseload in some way  
18       that you know, can identify?

19              MR. BERTACCHI: Thank you. We really  
20       can't respond to how PG&E will operate the  
21       facility. But what we can say is, you know,  
22       plants that we just designed and built just a few  
23       years ago were designed often to be very efficient  
24       baseload facilities.

25              And now we're seeing more and more the

1       need to have very rapid response technologies.  
2       The technology's changing, not only here in  
3       California, but nationwide, and even worldwide.  
4       So I think that's what's driving the changes.

5               And I think PG&E's RFP did -- the basic  
6       standard that it had over, I think a standard -- I  
7       can't recall the exact number, but it was like 200  
8       starts a year, or quite a few starts a year  
9       potential, and stops of the plant, to be able to  
10      fulfill the needs.

11             PRESIDING MEMBER BOYD:  Okay, thanks for  
12      trying.  No other questions.

13             HEARING OFFICER KRAMER:  Okay.  We're  
14      going to begin with our public commenters,  
15      beginning with Charlie Coane.  Is he here?  Okay,  
16      we'll see if he comes in.

17             MR. COANE:  Here.

18             HEARING OFFICER KRAMER:  Oh, sorry.  Let  
19      me ask, there's an "e" on the end of your last  
20      name, is that correct?

21             MR. COANE:  (inaudible).

22             HEARING OFFICER KRAMER:  Go ahead.

23             MR. COANE:  Okay, I came to California,  
24      to Brentwood, in 1950.  I started work at  
25      Fibreboard in '52.  And I stayed there for 50

1       years. And I seen all the things they did to  
2       improve, like this.

3               So I'm happy to see that you people come  
4       and make an improvement for everybody. It means a  
5       lot to me. I won't live to see, you know, a lot  
6       of this because I'm 75 years old. But I am  
7       looking forward to see this go into service. And  
8       I wish you people luck.

9               Thank you.

10              PRESIDING MEMBER BOYD: Thank you.

11              HEARING OFFICER KRAMER: Thank you for  
12       coming. Steve Nosanchuk. And he'll be followed  
13       by Ric Onalfo.

14              MR. NOSANCHUK: Good evening,  
15       Commissioners. Welcome to Oakley. My name is  
16       Steve Nosanchuk and I'm the President of the  
17       Oakley Chamber of Commerce.

18              I'm a 30-year resident of Oakley and I'm  
19       here to personally, and not on behalf of the  
20       Chamber because it hasn't come to a vote, but I'm  
21       here as a citizen.

22              It's personally important to me to see  
23       Oakley thrive again. Like most communities in our  
24       country, Oakley has been hard hit by current  
25       economic crisis.

1                   The power plant being discussed tonight  
2                   brings jobs to Oakley and much needed revenue to  
3                   our city coffers. We're a small city. To be  
4                   discussing property tax revenue in the ballpark of  
5                   \$9- to \$10-million a year is very encouraging. It  
6                   makes me much more hopeful about the economic  
7                   future of our city.

8                   It's not just the jobs and the money I'm  
9                   excited about. The fact that the power plant will  
10                  have virtually no impact on the delta is very  
11                  reassuring.

12                 I do have one question of the Commission  
13                 when it's appropriate. How can we make sure that  
14                 local businesses and local residents are the first  
15                 considered when the power plant gets built, and  
16                 eventually goes online?

17                 Thank you.

18                 MR. ONALFO: Hello; my name is Ric  
19                 Onalfo, spelled O-n-a-l-f-o. I have a couple  
20                 questions concerning -- I live right, three-  
21                 quarters of a mile away from this plant.

22                 I have ridden my bike over to the  
23                 Antioch/Pittsburg highway and Loveridge Road, and  
24                 I've stayed in that godforsaken red light there  
25                 for a little while. And I've breathed that crap

1 coming out of there. Is that the same emissions  
2 that's going to come from this plant? If so, I  
3 don't want that in my backyard, thank you very  
4 much.

5 The other thing, too, is I talked to  
6 this gentleman earlier today. I forgot your name.

7 MR. LAMBERG: Greg.

8 MR. ONALFO: Greg. About the scrubbers  
9 and the impact those scrubbers have on the carbon  
10 getting into the delta and the water table. Has  
11 that been cleaned up?

12 Number three is if there is an accident,  
13 I've seen an accident happen when I was living  
14 here. And all the power went out and I can see,  
15 from a distance, a little bit of flame and a  
16 godforsaken smell come from this plant. Can this  
17 happen? And what are the evacuation procedures?  
18 And if anything, will there be an evacuation  
19 procedure should anything like this happen?

20 That's my concern. If this goes  
21 through, I wish you guys all the best. And I just  
22 hope these emissions are not going to be in my  
23 backyard and any kind of pollutants. I hate to  
24 really see this delta get any more polluted than  
25 it already is.

1 Thank you.

2 HEARING OFFICER KRAMER: When you say  
3 the delta, you're speaking about the river?

4 MR. ONALFO: Not only -- yes, the river,  
5 the delta region here is pretty bad. You don't  
6 want to eat the fish here.

7 HEARING OFFICER KRAMER: Okay, but the  
8 water, as opposed to the air?

9 MR. ONALFO: The water and the air, too.

10 HEARING OFFICER KRAMER: Okay, Thank  
11 you. Next, Chris Anderson, followed by Gary  
12 Dennis.

13 MR. GALATI: Mr. Kramer, if there's a  
14 public comment that we can answer, would you like  
15 us to break in and answer that now, or wait until  
16 the end, or --

17 HEARING OFFICER KRAMER: No, go ahead if  
18 you want.

19 MR. GALATI: Okay. Mr. Onalfo, the  
20 application contains in it a complex worker health  
21 and safety program, as well as a fire protection  
22 program.

23 The Energy Commission, throughout its  
24 licensing process, has an entire section in its  
25 analysis that will look at worker safety and fire

1 protection. That will include evacuation  
2 procedures, includes all of the detailed designs  
3 on that.

4 So if you'd like to see it, I have an  
5 AFC here if you'd like to look at least what our  
6 initial application is.

7 MR. ONALFO: I'd like to see that.

8 HEARING OFFICER KRAMER: Mr. Anderson,  
9 and that's spelled "o-n".

10 MR. ANDERSON: "o-n", yeah. I'm Chris  
11 Anderson with ARB, speaking for the project.  
12 We're an industrial contractor, so truly self-  
13 serving. We'd like to get a big part of the C  
14 portion of the EPC part of this job.

15 I'm also an area resident. I live in  
16 Brentwood. I work in Pittsburgh, so it would be  
17 nice to have a job between my house and my office.  
18 This job will generate a lot of work and a lot of  
19 revenue, and a lot of money coming into the local  
20 economy.

21 I actually think that the -- somebody  
22 was talking about local suppliers and services.  
23 We buy a lot of material, rent a lot of equipment  
24 locally, multi-millions of dollars. We bought --  
25 we did a major portion of the Gateway Power Plant.

1       We bought \$5 million worth of construction,  
2       miscellaneous materials and equipment and paid  
3       sales tax on that locally.

4               PRESIDING MEMBER BOYD: Thank you.

5               HEARING OFFICER KRAMER: Thank you. Mr.  
6       Dennis, followed by Gil Guerrero.

7               MR. DENNIS: Hi. My name's Gary Dennis.  
8       My family and I are residents of the City of  
9       Oakley and have been for many years. I'm a union  
10      pipefitter and a member of UA Local 342.

11              I'm here tonight to support, and to ask  
12      others to support, the Oakley Generating Station.  
13      What this project means to me and a lot of people  
14      like me is jobs. A chance to bring home a  
15      paycheck. Personally this project would give me  
16      the chance to support my family by applying my  
17      trade here in the city I live in.

18              On the community level this project  
19      would certainly boost the local economy. It would  
20      employ hundreds of men and women during the  
21      construction phase, as well as increasing revenue  
22      for local businesses and vendors. And it would  
23      also create job opportunities far into the future  
24      for people to operate and to maintain this  
25      facility.

1                   On the broader scale there's the fact  
2                   that a modern facility like this, using state-of-  
3                   the-art technology, is safer and cleaner for the  
4                   environment.

5                   So it seems clear to me that the Oakley  
6                   Generating Station would benefit our community,  
7                   and the impact to the City of Oakley would be a  
8                   positive one.

9                   Thank you .

10                  PRESIDING MEMBER BOYD: Thank you.

11                  HEARING OFFICER KRAMER: Thank you. Mr.  
12                  Guerrero, followed by Eve Diamond.

13                  MR. GUERRERO: Good evening. My name's  
14                  Gil Guerrero; I'm Vice President of Contra Costa  
15                  County Professional Firefighters Local 1230.  
16                  We're here this evening to speak in favor of the  
17                  generation plant in Oakley.

18                  Not only do we believe it's the perfect  
19                  place for a generating station like this, but it's  
20                  a great time, perfecting timing for this  
21                  community. It's a relatively new city, finding  
22                  its way. One of the places that we could use this  
23                  funding is for our fire service. We need more  
24                  funding, more staffing. It hasn't been able to  
25                  keep pace with the growth of the city.

1                   So we feel this would be a great  
2                   opportunity for us. And where it's placed would  
3                   be ideal. So we're here to speak in favor  
4                   tonight.

5                   Thank you very much.

6                   PRESIDING MEMBER BOYD: Thank you.

7                   HEARING OFFICER KRAMER: Thank you. Ms.  
8                   Diamond, followed by Juan Moreno.

9                   MS. DIAMOND: Good evening, good  
10                  evening, my name is Eve Diamond, an Oakley  
11                  resident. I believe you mentioned, if I wrote it  
12                  down correctly, that you're going to be saving  
13                  313,000 tons per annum of greenhouse gases from  
14                  going into the air, is that correct?

15                 MR. BERTACCHI: Yeah, this new  
16                  technology can be employed and retrofitted to a  
17                  lot of the older machines, which is very possible  
18                  that it can be, that's the kind of savings that we  
19                  could see. By faster starts, more --

20                 MS. DIAMOND: Okay. Okay, so save 313  
21                  tons from going into the atmosphere, then what  
22                  still will be emitted?

23                 MR. BERTACCHI: Yeah, this plant will  
24                  produce on the order of about a million tons per  
25                  year of greenhouse gas, of CO2.

1 MS. DIAMOND: Okay. It will produce a  
2 million tons of CO2. So, also it was said that  
3 the tax revenue should be used for, you know,  
4 local services such as fire and emergency,  
5 emergency services in general.

6 I was thinking, because of the fact that  
7 it's still going to be emitting so much CO2,  
8 wouldn't it be more sensible to use some of that  
9 money for longer lasting and cleaner energy  
10 sources such as wind and solar power? Is that  
11 even being considered at this point?

12 MR. GALATI: What I can tell you is  
13 there is a renewable portfolio standard, and we  
14 certainly can talk more about that if you'd like.

15 The people sitting here don't decide  
16 what actually utilities purchase. So we responded  
17 to a long-term RFO that specifically asked for  
18 this kind of generation resource.

19 The utility has been trying, and has  
20 gone out to bid for renewable projects. I know  
21 I'm working on some, as well.

22 So I think that ultimately the state  
23 needs a balance, and that's why the renewable  
24 portfolio standard is not 100 percent. It is  
25 something less than that. So we think that this

1 complements, in the overall portfolio, with the  
2 cleanest burning fossil fuel that can be used with  
3 state-of-the-art technology. If you have to use  
4 natural gas, and you do in California, you might  
5 as well be using technology like this.

6 MS. DIAMOND: Right. So I'm still  
7 concerned, I'm just going to make a concern about  
8 a million tons of CO2 being released into the  
9 atmosphere. Is that per annum?

10 MR. BERTACCHI: Yes, it's per year.

11 MS. DIAMOND: Okay. And then the only  
12 other question I had was when we went on the tour  
13 today there were 20 acres of vineyards that are  
14 going to be torn down for the -- I can't remember  
15 what you call it -- the laydown, where you lay  
16 down the plans, that area that you pointed to.  
17 That's going to be cleared out for the preparation  
18 of the building.

19 Now, is that going to be returned to  
20 agricultural land afterwards? Or is that going to  
21 become a parking lot or what?

22 MR. LAMBERG: Actually the laydown area  
23 is already cleared. It has been cleared by --  
24 been cleared for some time. Our actual site right  
25 now is planted in 20 acres of grapes. It's been

1       historically used for agricultural.  It's always  
2       been zoned industrial.  There is a lease between  
3       Fred Klein of Klein Vineyards and DuPont to  
4       utilize that property.

5               Like you, I was very concerned about  
6       that.  We started looking.  I had long, detailed  
7       discussions with Mr. Klein, myself being in the  
8       wine industry.  And Fred has zinfandel, -- on that  
9       site.  He's getting less than a quarter-ton per  
10      acre.  And he has agreed that as long as we give  
11      him adequate notice so that he's not pruning or  
12      investing in that vineyard prior to our start of  
13      construction, he won't miss that vineyard at all.

14             MS. DIAMOND:  Okay.  Thank you very  
15      much.

16             HEARING OFFICER KRAMER:  Mr. Moreno,  
17      followed by Gary Woodworth -- I'm sorry, no, you  
18      wanted to come later -- followed by Doug  
19      Hardcastle.

20             MR. MORENO:  Good evening; my name's  
21      Juan Moreno and I am a 15-year resident of Oakley,  
22      California.  And I do have family, I have three  
23      kids at home, as well.

24             And I am in favor of this Oakley  
25      Generating Station.  I have been part of two other

1 generation plants that have been built here in  
2 Contra Costa County, which was Los Medanos and  
3 also Delta Energy. And they were both very well  
4 successful. And if all goes well, hopefully  
5 looking for a third successful energy plant.

6 And, you know, through the hardships  
7 that many of us are facing at this time, during  
8 these economic times, the industrial project will  
9 help boost our local economy and also create jobs  
10 for local skilled union members like myself, for  
11 men and women.

12 And I feel this project will help  
13 benefit the City of Oakley and its residents in  
14 countless ways.

15 Thank you.

16 PRESIDING MEMBER BOYD: Thank you.

17 HEARING OFFICER KRAMER: Thank you. Mr.  
18 Hardcastle, followed by Hershel Barton.

19 MR. WOODWORTH: Good evening, ladies and  
20 gentlemen. My name's Gary Woodworth. I've been a  
21 resident of Oakley for almost 21 years. And I'm  
22 happy to see that a project of this nature is  
23 being put in in Oakley. Not only the fact that  
24 it's going to create jobs for the local workers,  
25 but the fact that it's going to be a plant that's

1       going to generate cleaner than most of the plants  
2       that have been put in.

3               Again, I'm happy to see it, all for it.  
4       We'll be attending the next meetings to see how  
5       things go.

6               Thanks.

7               HEARING OFFICER KRAMER:   Okay, then Mr.  
8       Hardcastle, followed by Mr. Barton.

9               MR.   HARDCASTLE:   Yeah, the name's Doug  
10       Hardcastle.   I am a long-time resident and a  
11       business owner here in Oakley.   And I am very  
12       favorable looking at this project.

13              A lot of questions come up.   You talked  
14       about coupling and uncoupling.   Just what is the  
15       timeframe of when it starts up and when it starts  
16       producing power, you know, just a question.   You  
17       know, is it an hour, two hours, three hours?

18              MR. BERTACCHI:   Yeah, the old plants  
19       could take hours and hours to be able to start up  
20       when they were cold.   And this new technology like  
21       you'll see is going to be so much faster, it's  
22       amazing.   There's going to be a lot of megawatts  
23       available even within ten minutes of a start on  
24       this plant.   So it is very different than what it  
25       was in the past.

1                   MR. HARDCASTLE: Okay, now some of the  
2                   older plants that are producing, you know, more  
3                   pollutants and everything, are they going to be  
4                   shut down? Or will PG&E just use this plant  
5                   because it is more economical to use, and it is  
6                   less hazardous environmentally?

7                   MR. BERTACCHI: Again, we can't respond  
8                   for PG&E. But, you know, looking back to the days  
9                   before Delta Energy Center was built, and Los  
10                  Medanos, the old plants, Contra Costa and  
11                  Pittsburg, ran a lot of hours. And as time has  
12                  gone forward -- and other plants like Contra Costa  
13                  and Pittsburg ran a lot of hours.

14                  And so as new plants got built a lot of  
15                  those older plants ran a lot less hours. We're  
16                  certainly hoping to see that happen in California  
17                  as the new plants like this will continue to  
18                  displace old plants that are still running today.

19                  MR. HARDCASTLE: Right, yeah, because  
20                  it'd just make common sense to me that you'd use a  
21                  more efficient plant than using the older one. So  
22                  that would be a benefit to, you know, everybody in  
23                  the public, also.

24                  So looking forward to you being a  
25                  business here. Thank you.

1                   MR. BARTON: Mr. Chairman, my name is  
2                   Hershel Barton; I've been a resident here in  
3                   Oakley for over 34 years. And I can't come  
4                   anywhere near the claim Mr. Coane has, but I've  
5                   been in the construction trades as an electrician  
6                   for 35 years.

7                   I've had an opportunity to work in some  
8                   of the older power plants out here, and believe  
9                   me, these new plants are going to be a godsend  
10                  compared to what you can run into in those old  
11                  plants.

12                 The area of Brentwood, Oakley, Knights  
13                 and all of those areas, we have been affected  
14                 positively and negatively by economic growth in  
15                 the surrounding areas. And this to me is pure  
16                 plus for Oakley. The opportunity to realize what  
17                 this power plant is going to bring directly to  
18                 Oakley in terms of construction jobs and long-term  
19                 jobs. And just an income base, as well.

20                 I can't find anything wrong with this  
21                 plant going in at the site right now, other than I  
22                 don't see any provisions for a golf course, but  
23                 maybe we can --

24                 (Laughter.)

25                 MR. BARTON: -- address that in the

1 future. Thanks.

2 HEARING OFFICER KRAMER: Joe Ciolek, I'm  
3 sure I mangled that, so please --

4 MR. CIOLEK: My grandfather would be  
5 pleased at your attempt. My name is Joe Ciolek,  
6 the English pronunciation is Ciolek, and I'll give  
7 you a card. And I represent the Agricultural  
8 Natural Resources Trust of Contra Costa County.

9 We work with farmers and ranchers and  
10 growers who are willing participants in land  
11 conservation matters. And started, well before my  
12 time with the organization, speaking to Fred Klein  
13 and the folks in other places here in the Oakley  
14 area and the Antioch area who have got some  
15 ancient grapevines. Fortunate because of the soil  
16 conditions here, to beat disease, and have  
17 producing grapes that are well past 100 years old.

18 And I wasn't aware that French  
19 production on that 20 acres is so low, but when I  
20 last looked at his website there were 18 labels,  
21 13 of which referenced the ancient grapes grown in  
22 this area.

23 We're interested in those grapes. And  
24 hope that there will be opportunities to consider  
25 that the State of California does have some

1       specific requirements on agriculture and the  
2       impacts on agriculture.

3               We are absolutely not in opposition to  
4       the project. But we have some ideas to share that  
5       we think might be of use to the project and to the  
6       state, as they consider this particular thing. We  
7       ask for the opportunity to give that input.

8               HEARING OFFICER KRAMER: Let me ask you,  
9       are these soils prime agricultural soils?

10              MR. CIOLEK: Yes.

11              HEARING OFFICER KRAMER: Thank you.  
12       Anything further?

13              MR. GALATI: I actually think they're  
14       farmland of statewide or local importance, and not  
15       prime ag land, but we look forward to meeting with  
16       you, Mr. Ciolek, and hearing your ideas. If we  
17       can address them, we certainly will.

18              HEARING OFFICER KRAMER: Next speaker  
19       will be Robert Bustos, followed by Steve Eckley.  
20       There's no "r" in it, Steve Eckley.

21              MR. BUSTOS: Good evening. My name's  
22       Robert Bustos and I've been a lifelong, 54-year  
23       resident of the east county.

24              In that time I've seen unprecedented  
25       population growth throughout the region. One look

1 at highway 4 commute time and you'll know what I'm  
2 talking about.

3 With this growth comes the necessity for  
4 expanding and upgrading of our building -- and  
5 building new facilities to quench the thirst of  
6 our demanding public for electricity, water,  
7 sewer, roads, et cetera.

8 The proposed plant would -- while it  
9 wouldn't solve all of the energy problems, it sure  
10 could put a dent in it. You know, me being a  
11 third-generation benefactor of heavy industry,  
12 I've seen a lot of our heavy industry go by the  
13 wayside. Some of them Continental Can, Louisiana  
14 Pacific, Crown Zellerbach, DuPont are examples.

15 I, myself, I am also employed in the  
16 construction trades. And this would be a definite  
17 boost in our arm because I've been unemployed for  
18 while, also.

19 Thank you. I am in favor of the  
20 project.

21 HEARING OFFICER KRAMER: Mr. Eckley,  
22 followed by Mike Heckathorn. I need some help  
23 with the spelling of your name, Mike.

24 MR. ECKLEY: Hi. My name is Steve  
25 Eckley; I'm a resident of Oakley. Also a member

1 of Steamfitters Local 342 in Concord, California.

2 Basically I'm retired, a pipefitter/  
3 welder; been in the refinery business for over 35  
4 years. Been involved directly or indirectly with  
5 a couple of cogens in this area.

6 I think this is a very good, clean,  
7 sound project. It looks to me like one of the  
8 cleanest ones I've ever been associated with. And  
9 I'm all in favor for it. I'd like to see a lot  
10 more clean refining and power producing plants.

11 Thank you very much.

12 HEARING OFFICER KRAMER: Thank you.

13 MR. ECKLEY: My name is Eckley,  
14 E-c-k-l-e-y. If I said something to offend you,  
15 strike that off.

16 (Laughter.)

17 MR. HECKATHORN: Hi. My name is Mike  
18 Heckathorn. Sounds more complicated than it is.  
19 It's H-e-c-k-a-t-h-o-r-n, and I'm a resident,  
20 Antioch resident; been here 20 years. And work  
21 for a local company, which is Trident Engineering.

22 And happy to see the plant project  
23 hopefully come to fruition here. One of the big  
24 things we have a concern of is on jobs. And we've  
25 seen our work cut back a lot with municipal.

1       We've worked for some of the local cities here.  
2       And with the budgetary constraints, a lot of our  
3       work's been cut back. Also with industrial. And  
4       work with the local developers, I think, is almost  
5       nonexistent. So we've had to lay people off.

6               We have worked with the Radback people  
7       before; and Calpine at Los Medanos Energy Center  
8       and Delta Energy Center, when they built those.  
9       And there was quite a bit of jobs created during  
10      those construction projects, which helped us a  
11      lot.

12             And basically there's a lot of spinoff  
13      work with restaurants and as the ARB person said,  
14      local purchasing.

15             So we think this will be a great boost  
16      to local economy, which has been lagging over, I  
17      think, about the last three or four years. And  
18      also with -- worked with Mr. Bertacchi and Mr.  
19      Lamberg and Mr. McManus (sic), they're very decent  
20      people to work with and very businesslike in their  
21      dealings. And just hope this project does happen.

22             PRESIDING MEMBER BOYD: Thank you.

23             HEARING OFFICER KRAMER: Thank you.

24      Michael Hernandez, followed by Kevin Crosby.

25             MR. HERNANDEZ: Good evening. My name

1       is Michael Hernandez. I'm a Business  
2       Representative of the Plumbers and Steamfitters  
3       Local 342.

4               I'm here tonight to support the Oakley  
5       Generation Station. We have 3200 members, many of  
6       them living in Oakley, and even more in the  
7       neighborhood communities.

8               There's no question times are hard for  
9       most of these days, during this economic crisis,  
10      with so many jobs lost across California. The  
11      Oakley Generating Station will offer some relief.

12              The generating station will provide  
13      economic stimulus for the City of Oakley, creating  
14      700 jobs and \$120 million in payroll hours to  
15      local union construction jobs. This project will  
16      boost the economy in Oakley, as well as maximize  
17      the participation of the labor and construction  
18      trades.

19              This project is expected to progress  
20      over a period of two years. During that time the  
21      addition of the jobs will create for members in  
22      our community. It will generate significant  
23      economic growth to the City of Oakley, with 4  
24      million in construction materials, supplies and  
25      services being purchased locally.

1                   The Oakley Generating Station will be  
2           located in the industrial area away from homes and  
3           schools. Since this industrial area is already  
4           placed with nearby existing natural gas and  
5           transmission lines, it will prevent the need to  
6           build expensive, unsightly transmission lines in  
7           new location to utilize which is already there.

8                   The generating station will provide  
9           clean and reliable energy for people living in the  
10          east Contra Costa County. It will use clean-  
11          burning natural gas, using the state-of-the-art  
12          technology to assure the project will meet  
13          California and federal air quality standards. And  
14          offset all emissions as required by reviewing  
15          agencies.

16                  Furthermore, the Oakley Generating  
17          Station will utilize dry cooling technology, which  
18          is practically eliminate the need of use of  
19          valuable limited water supply to cool the  
20          facility. By implementing dry cooling the station  
21          will avoid using as much as 3000 acrefeet per year  
22          of fresh water.

23                  We can expect this project to be  
24          approximately 40 percent more fuel efficient than  
25          comparable plants operating today. Overall, the

1 Oakley Generating Station will be a positive and  
2 beneficial addition to Oakley and its neighboring  
3 communities.

4 Thank you.

5 HEARING OFFICER KRAMER: Thank you. Mr.  
6 Crosby, followed by Mr. Lauritzen.

7 MR. CROSBY: Good evening. I'm Kevin  
8 Crosby. I'm employed by the Avogadro Group. We  
9 are in the business of measuring stack emissions.  
10 And a great part of our business is measuring  
11 emissions from similar power plants.

12 And so I can speak professionally about  
13 the emissions from these plants. And we have  
14 found, over the years, that the local facilities  
15 at Los Medanos and Delta Energy Centers are among  
16 a group of plants that have been built within this  
17 last decade, that are engineered in such a way  
18 that for them to work at their peak efficiency  
19 they typically have their lowest emissions.

20 So, there's incentive for the operators  
21 to operate them in a way with low emissions. And  
22 they have all been shown to have a lot of hard-  
23 working people making sure that their emissions  
24 are in control at all times.

25 They have monitoring systems and so on

1       to measure those emissions. They test on an  
2       annual basis to confirm the operation of all those  
3       systems. And we have found them to -- out of the  
4       larger range of plants that we test all over the  
5       western U.S., these are among the most consistent  
6       in their operations.

7               And besides that, we're among the local  
8       vendors, our office is in Antioch, we have a lot  
9       of people on our staff that live in east county,  
10      including several within the City of Oakley. And  
11      so we're among those local vendors who are  
12      supported by this and the other plants in the  
13      area.

14             On a personal note, in regards to the  
15      things like greenhouse gas emissions, consider  
16      that something that a lot of people are proponents  
17      of these days, is a switch from automobiles  
18      running on petroleum to automobiles running on  
19      electricity. And that power has to come from  
20      somewhere.

21             A plant like this, with its improved  
22      efficiency over the older plants, has the  
23      potential for controlling our greenhouse  
24      emissions. And that's of a benefit that may not  
25      even be in the calculations that were discussed

1 earlier.

2 Thanks very much.

3 PRESIDING MEMBER BOYD: Thank you.

4 HEARING OFFICER KRAMER: Thank you. Mr.  
5 Lauritzen, followed by Mark Smith.

6 MR. LAURITZEN: Good evening. You've  
7 read my comments already so I won't go over them  
8 again. But, Commissioner Boyd, since you are a  
9 boat owner I'll give an example.

10 You bring your boat up from the bay; you  
11 tie it up at our marina for a week. Then when you  
12 come back your seat cushion looks like that, with  
13 those spots.

14 Now, our local utilities to the west,  
15 they have a clean program for this kind of damage.  
16 PG&E does not with the new Gateway plant. Nobody  
17 will 'fess up to where this damage came from.

18 We no longer have Fibreboard or Crown  
19 Zellerbach to blame. I don't know where the  
20 fallout comes.

21 These gentlemen over here would say that  
22 their plant is going to be 40 percent better, more  
23 efficient than the plants to our west. I  
24 absolutely do believe them, because the technology  
25 certainly sounds good. I believe what they say.

1                   But, one of our concerns, moving  
2           forward, is we're going to have four power plants  
3           around the Antioch Bridge area, Bridgehead Road,  
4           where I live and work. And my neighbors are in  
5           the audience, as well. They make a living there.

6                   We still have some kind of fallout  
7           problem. Now we add, in two years, a new plant  
8           that will come online. We don't know if they have  
9           a problem starting up, or whatever, some kind of  
10          mechanical problem, they have a fallout problem,  
11          are they going to take ownership to a potential  
12          fallout problem that goes on boats and cars like  
13          this?

14                  What I'm asking for is a condition of  
15          their permit to build is that not only Radback,  
16          soon to be PG&E when it's converted over to PG&E,  
17          that they have some test plates around the  
18          Bridgehead Road/Wilbur Avenue area that will check  
19          for fallout that could come from one of the local  
20          plants. If it does not come from the local  
21          plants, then we at least determine where it does  
22          come from.

23                  Right now, nobody takes ownership of  
24          this cushion. The boat owner's not too happy, and  
25          there's more than one cushion, cars, RVs, that all

1 look like this.

2 So, I'm in favor of their plant. I  
3 think it's a good project. It's good for Oakley,  
4 there's no question about that. We need more  
5 energy.

6 But we need to be taken care of, as a  
7 local businessperson. So I hope that you can do  
8 some arm-twisting at the appropriate agencies, to  
9 make sure that there's some ongoing air monitoring  
10 that goes on to see if and when there is fallout,  
11 where it comes from.

12 If we're going to color our diesel fuel  
13 one color for agriculture and one for road fuel,  
14 why can't we have some kind of provision for  
15 determining who's doing the pollutants out there.

16 Thank you for your time and thank you  
17 for coming to Oakley.

18 HEARING OFFICER KRAMER: Before you step  
19 away, so that I'm clear, is your marina right next  
20 to the bridge?

21 MR. LAURITZEN: There's actually five  
22 marinas. We're on the east side of the bridge, or  
23 the Oakley side of the bridge.

24 The first neighbor is Driftwood Marina  
25 and then Lauritzen Yacht Harbor. So we're

1 immediately, DuPont is our neighbor to our south.

2 HEARING OFFICER KRAMER: Okay, so yours  
3 is shaped kind of like an upside-down U?

4 MR. LAURITZEN: Yeah.

5 HEARING OFFICER KRAMER: Okay. I was  
6 looking at the exhibit the applicant handed out.

7 MR. LAURITZEN: Instead of going to the  
8 DuPont driveway, you keep going north on  
9 Bridgehead Road and we're the next driveway. And  
10 the next driveway after that is Driftwood Marina.  
11 There's approximately 1000 boats in the Antioch/  
12 Bridgehead Road corridor. If you include the two  
13 RV businesses on the west side of the Antioch  
14 Bridge, there's about 2000 storage units out  
15 there, to include trailable boats, RVs and motor  
16 homes and things like that.

17 We continue to get impacted, not on a  
18 continual every-day basis, but you've seen the  
19 picture that I've shown you with the stack  
20 emissions from the Gateway Plant.

21 There are people in the audience that  
22 live much closer to the Gateway Plant than I do.  
23 In the old days, 30 years ago, when we watched the  
24 problems that the old PG&E plant, when they were  
25 using low sulfur oil, we saw tremendous emissions

1 problems. I know that we're not going to have  
2 that kind of emissions with this new plant, but  
3 we're still getting something. And nobody in our  
4 neighborhood is willing to 'fess up to what it is.

5 And so we're adding more emissions to  
6 the local area, it's going to impact my neighbors.  
7 And we are all mom-and-pop, self-employed  
8 businesses. And we need some support and help to  
9 make sure that if there is a problem with a fire-  
10 up or a shutdown, or whatever, that we're notified  
11 that there's been a problem, that they're able to  
12 do a washing or cleaning program.

13 And so that the boat in this question is  
14 an 18-foot trailable boat. It happened to have  
15 been in a storage facility. And we believe that  
16 Gateway had a fire-up back in probably June or  
17 July. The boat owner comes up to the boat and  
18 this is what it looks like.

19 Thank you for your time.

20 HEARING OFFICER KRAMER: Thank you.

21 MR. GALATI: Mr. Lauritzen, can I ask  
22 you a few questions. Do you know if the Bay Area  
23 Air Quality Management District is going to  
24 investigate or work on this problem?

25 MR. LAURITZEN: They have been

1       effective.  There was a person that came out.  I  
2       made a phone call, I think, back in June or July.  
3       A staff person came out and said, this is way  
4       above our level.  And nobody has worked with us.

5               MR. GALATI:  Well, I would point to one  
6       thing about Commissioner Boyd, Commissioner Boyd  
7       has a long history with air quality regulators.  I  
8       bet maybe if you ask him, he might make a phone  
9       call.

10              MR. LAURITZEN:  I'd appreciate some  
11      help --

12              PRESIDING MEMBER BOYD:  Well, I was  
13      going to say, I'm sure our staff is listening to  
14      this.  And, yes, I was thinking of sending this  
15      picture to my friend who runs the Bay Area Air  
16      Quality Management District, so.

17              MR. LAURITZEN:  I'll give you a longer  
18      tape, if you'd like it.

19              (Laughter.)

20              MR. LAURITZEN:  But I do -- in Radback's  
21      defense, I've been to several meetings with them  
22      on the DuPont site.  They're great to work with.  
23      I think it's a good program.  And I think we're  
24      lucky that they picked the DuPont site.

25              Thank you.

1                   PRESIDING MEMBER BOYD: Well, I heard  
2                   them offer to work with boaters and folks like  
3                   that, so.

4                   MR. LAURITZEN: Thank you.

5                   PRESIDING MEMBER BOYD: I think you've  
6                   set a baseline against which we can measure. You  
7                   leave that seat out there.

8                   MR. LAURITZEN: Thank you.

9                   HEARING OFFICER KRAMER: Thank you. Mr.  
10                  Smith, followed by Dorothy Lashbrook.

11                  MR. SMITH: Good evening, Commissioners.  
12                  My name is Mark Smith; I work for Trident  
13                  Environmental Engineering. But moreso, I'm a  
14                  long-time, 45-year resident of Oakley. I've  
15                  raised my family here. My kids have gone to the  
16                  schools here. In fact, my daughter and her  
17                  husband have returned to Oakley and our three  
18                  grandchildren are residents, also, now.

19                  Early on we were concerned about Oakley  
20                  in that we had set a sphere of influence and a  
21                  boundary committee was formed, which Ken Gruensted  
22                  (phonetic) who, I believe, is in attendance now,  
23                  was also a member.

24                  And obviously we looked into following  
25                  up with cityhood. Unfortunately, we sat on our

1 hands collectively as a community, and it wasn't  
2 to be for many years.

3 In the meantime, the communities of  
4 Brentwood and particularly Antioch, moved into  
5 what would have been our sphere of influence,  
6 would have been Oakley. And we lost a lot of  
7 commercial property, including the corridor at  
8 Lone Tree Way, which is a tax base that we are  
9 very envious of.

10 So, seeing something like this power  
11 plant coming into being is something very much  
12 wanted in this community. We are very much  
13 supporting it, as our family.

14 And I am very pleased, too, at this  
15 location. Falling back a little bit, I'm a  
16 retired PG&E employee; I worked for the pipeline  
17 operations department for 35 years, ending up as a  
18 district superintendent in this area, for  
19 pipeline. And also the Northern California  
20 Operations Specialist.

21 The gas coming into the Antioch terminal  
22 is from primarily Canada, Calgary, Canada. They  
23 have a stripping plant before it enters the United  
24 States which takes all the sulfur compounds. And  
25 it's a very dry, very pure gas. I would have to

1 say the best commercial gas that PG&E gets.

2 And in close proximity here to the main  
3 400 where it enters the Antioch terminal,  
4 listening to these gentlemen, they say it's going  
5 to have a T there upstream of the pressure  
6 limiting station. And then downstream on which  
7 they kind of designate as 303 there'll be another  
8 T, which gives it the flexibility if there's  
9 problems upstream with the supply, be it a problem  
10 with the equipment or whatever, they can shut the  
11 pressure limiting station and supply other means,  
12 storage fields, or from down south.

13 Anyway, again, thanks for your time, I  
14 appreciate it. And I hope this all works out for  
15 us. I'm sure it's going to help the City of  
16 Oakley.

17 PRESIDING MEMBER BOYD: Thank you.

18 HEARING OFFICER KRAMER: Thank you. Ms.  
19 Lashbrook, followed by Michael Tays.

20 MS. LASHBROOK: Good evening. I'm  
21 Dorothy Lashbrook. I'm a resident of Oakley.  
22 I've lived in this county for 44 years and I've  
23 heard people complaining because we didn't have  
24 enough power.

25 Now we have a chance for clean, and very

1 quickly, more power coming in. And I don't see  
2 any reason for it not to. We've been waiting and  
3 waiting, and if we wait for wind and the sun,  
4 it'll be another 40 years.

5 So this plant is really necessary out  
6 here. We have nothing but houses. And all of  
7 them need the energy. So I appreciate everyone  
8 who's trying to get this through.

9 Thank you.

10 HEARING OFFICER KRAMER: Thank you.

11 PRESIDING MEMBER BOYD: Thank you.

12 HEARING OFFICER KRAMER: Mr. Tays,  
13 followed by --

14 MR. TAYS: Yes, my name's Michael Tays.  
15 I live here in Oakley, have resided here for eight  
16 years. I was born and raised in east Contra  
17 Costa. I'm a member of Local 342 Steamfitters.

18 I'm in favor of this project right here.  
19 I think it would be good for the community, good  
20 for labor. The City of Oakley seems like it has a  
21 problem with revenue in here. I think that would  
22 be a good tax base for us to take care of our  
23 city, law enforcement, schools, roads, everything.  
24 I just believe it's good for this community right  
25 now to have this power plant go in. Especially

1 the way the economy is.

2 Thank you.

3 HEARING OFFICER KRAMER: Thank you. You  
4 put your address on your card. Were you meaning  
5 to get on the mailing list?

6 MR. TAYS: That's fine also.

7 HEARING OFFICER KRAMER: So did you fill  
8 out the mailing list form?

9 MR. TAYS: No, I didn't.

10 HEARING OFFICER KRAMER: Okay. You  
11 could see the Public Adviser to get on that list.

12 MR. TAYS: All right, thank you.

13 HEARING OFFICER KRAMER: And while I'm  
14 at it, Loreen, did you find your other sheet?

15 MS. McMAHON: (inaudible).

16 HEARING OFFICER KRAMER: So if you want  
17 to show it again. Looks like the sheet she's  
18 holding up. If somebody accidentally ended up  
19 mixing that in their papers, she really would like  
20 it back, as would the people whose names are on  
21 there.

22 Tony, is it Amador? All right.

23 MR. AMADOR: Good evening. My name is  
24 Tony Amador. I've been here for my whole life, 52  
25 years. And I think that this is a real good

1 program, real good, good plan for Oakley. You  
2 know, it's going to help us out. The community is  
3 going to gain a lot from it.

4 And I'm just here to support it 100  
5 percent, because from what I've heard you're doing  
6 a good professional job.

7 I've been with Local 3, Operating  
8 Engineers, for 30 years. And I've worked for a  
9 company, multinational company, for 23 years. And  
10 you're showing the same professionalism as what I  
11 have seen from that company. Priority was  
12 partnership with the community. And I'm waiting  
13 for that with the employment. We need that really  
14 bad here.

15 So I'm really here to support you.

16 Thank you very much for coming here.

17 Thank you.

18 PRESIDING MEMBER BOYD: Thank you.

19 HEARING OFFICER KRAMER: Thank you.

20 Vincent Wells, followed by B.H. Basavaraj. Again,  
21 I apologize if I didn't do your pronunciation  
22 justice.

23 MR. WELLS: Hi. My name is Vincent  
24 Wells. I'm the President of Firefighters Local  
25 1230. We represent the firefighters of east

1 Contra Costa County.

2 Ever since 2002, when the East Contra  
3 Costa County Fire Protection District was formed,  
4 we've been looking for funding mechanisms. Due to  
5 the property taxes that were set in 1978 during  
6 Prop 13, we've been unable to get enough funding  
7 to provide adequate service, as well as staff of  
8 our engines. So this project seems to be the  
9 perfect thing to address those issues.

10 The plant's going to be put in a site  
11 that there's nothing else to do with it. It's the  
12 old DuPont site. So to put clean energy there  
13 that can generate property tax for the citizens of  
14 Oakley and improve public safety, I can't see  
15 anything wrong with it.

16 So, once again, we're here to support,  
17 the Firefighters are in support of the plant.

18 Thanks.

19 HEARING OFFICER KRAMER: Thank you.

20 MR. BASAVARAJ: Good evening. My name  
21 is Basavaraj. I work for Trident Engineering.  
22 I'm glad that this power plant is coming up in  
23 Oakley, because I had an opportunity to work with  
24 these gentlemen in previous power plants that they  
25 developed and worked.

1 I worked as an engineer for the  
2 construction time, and -- I think this new plant  
3 will bring what is needed for the area, which is  
4 energy, and also the jobs.

5 I wish them good luck. And one of the  
6 big issue, which Greg was talking about, was not  
7 using water, which is a big issue with respect to  
8 the delta water issue. And we all know the water  
9 is a big important item we need to be concerning.

10 Good luck -- thank you.

11 HEARING OFFICER KRAMER: Thank you. I  
12 have one final card from a gentleman who wanted to  
13 be last. So, does anyone else out there who has  
14 not filled in a blue card wish to make a public  
15 comment at this point?

16 And is there anyone else besides this  
17 lady? Go ahead.

18 MS. OBREGON: I have my card here, just  
19 didn't turn it in. My name is Iris Obregon and  
20 I'm an Oakley resident. I'm a mother and a  
21 grandmother of children of this community.

22 And I'm very encouraged by what I'm  
23 hearing in terms of the process that will take  
24 place to insure that everything is under control  
25 here. We're got good, clean plants coming in.

1                   And because I'm encouraged I am in  
2                   support of this project.

3                   Thank you.

4                   HEARING OFFICER KRAMER: Thank you.  
5                   Could I get your card?

6                   Anyone else? Okay. Our final speaker,  
7                   Marco Gonzalez.

8                   MR. GONZALEZ: Good evening to  
9                   everybody. My name is Marco Gonzalez. I'm a  
10                  resident of Oakley for a decade now. My kids  
11                  start their school here, kindergarten.

12                 And lately I've been seeing that a lot  
13                 of projects are going on here in Oakley, but this  
14                 in particular caught my attention with the 700  
15                 local construction jobs. It's a perfect  
16                 opportunity for all the local people here to work  
17                 in the city where we live.

18                 But, besides other things, this will  
19                 generate a good revenue for this -- in these  
20                 economic times I think it'll put people to work  
21                 where we need to be. We need to be working at  
22                 this time.

23                 So, I'm also representing the Carpenters  
24                 Union. But in order to address the issue of local  
25                 construction jobs, I think we have to think of

1 something like local hiring language within this  
2 project, to secure the opportunity for local  
3 building trades, like our brothers and sisters  
4 that spoke before me, Pipefitters, Laborers,  
5 Electricians.

6 I represent about 2000 members, which a  
7 big portion of that live right here in Oakley.  
8 And I would like to see them working on this  
9 project through that piece of paper that says  
10 local hiring. Which, you know, could be a  
11 percentage of the community also could be involved  
12 on this. They can probably start on the trades,  
13 if they like. Something like that, that's what I  
14 would like to see on this project.

15 I reviewed some of the things that you  
16 guys put up on the website, which is good  
17 information. Everything seems to be in order. I  
18 would like to see this project keep moving forward  
19 and bring these local jobs here into the City of  
20 Oakley, that we all need.

21 Thank you.

22 HEARING OFFICER KRAMER: Thank you. One  
23 last call for any more public comments.

24 Seeing none, brings us to the  
25 housekeeping portion of the agenda. Let me remind

1       those of you who filled out the Public Adviser's  
2       mailing list sheet that I guess what you should do  
3       is go see her at the conclusion of this hearing to  
4       make sure that your name is not on the sheet that  
5       is missing. So that she has you down.

6               Just a note to the parties. We'll be  
7       asking you if you want to receive service of  
8       documents in this case by email only, as opposed  
9       to getting both email and paper copies. We're  
10      doing this to try to reduce the burden and the  
11      number of trees that are felled to produce paper  
12      for those who prefer to receive things  
13      electronically.

14             MR. GALATI: Yeah, we'd prefer to just  
15      receive electronic copies.

16             HEARING OFFICER KRAMER: Okay.

17             MR. GALATI: And no hard copies.

18             HEARING OFFICER KRAMER: So we will mark  
19      you accordingly. Staff gets their stuff in a  
20      different way, so that I don't think we have to  
21      worry about them.

22             And you'll notice that the scheduling  
23      order, when you see it, will mention one of my  
24      crusades, which is that pdf files be made text-  
25      searchable. Mr. Galati and I have recently had a

1 go-round about that in another case, so I won't  
2 belabor that issue today. And he's doing pretty  
3 well right now.

4 MR. GALATI: And I have -- I have been  
5 taught well. I know how to do it now.

6 HEARING OFFICER KRAMER: He's been  
7 improving.

8 And, let's see, finally, staff, do you  
9 have -- can you estimate or do you have a firm  
10 date for the next time you'll be having any sort  
11 of public meeting that the public would be  
12 interested in? If not, that's fine. I just offer  
13 this opportunity to give them a heads-up.

14 MR. DOUGLAS: I think late December was  
15 scheduled.

16 HEARING OFFICER KRAMER: And that would  
17 be a staff workshop?

18 MR. DOUGLAS: Yes.

19 HEARING OFFICER KRAMER: Do you know if  
20 it'll be here or --

21 MR. DOUGLAS: I don't know at this time.

22 HEARING OFFICER KRAMER: Okay. For  
23 members of the public, even if the -- some  
24 meetings will be scheduled up in Sacramento.  
25 Aside from being -- well, told not to come to work

1 three Fridays a month, we're trying to save money  
2 in other ways. And so more meetings that might  
3 have otherwise occur, occur up in Sacramento.

4 But when that's done there's a telephone  
5 call-in number that you can use to call in and  
6 listen to the meeting and make comments. But if  
7 there's a significant degree of public interest,  
8 we will attempt to have the evidentiary hearings  
9 towards the end of the case here in Oakley.

10 And I think that is all that I have.  
11 Commissioner Boyd, did you want to --

12 PRESIDING MEMBER BOYD: Well, let me  
13 thank those of you who have remained here tonight,  
14 and thank everybody who was here earlier. We're  
15 losing our audience rapidly here.

16 (Laughter.)

17 PRESIDING MEMBER BOYD: I'm impressed by  
18 the number of you who turned out tonight. This is  
19 a little bit better than we do when we go on the  
20 road, so I appreciate your interest as a  
21 community.

22 This is a long, very thorough process,  
23 as you've learned from the outlines of the  
24 procedures that went on tonight. And it's a very  
25 judicial process. We don't wear black robes, but

1       it's close to that.

2               From this point forward I can no longer  
3       talk to the staff or any of you, unless it's in  
4       the context of a public hearing, or unless I  
5       reveal you in written communications to the  
6       record. So ex parte communication is a very  
7       significant issue in the way we handle these  
8       cases.

9               So I just wanted you to know that we  
10       operate pretty much above board, and try to keep  
11       everything so the public totally understands our  
12       processes.

13              With that, Mr. Kramer, I'd let you  
14       adjourn the meeting. I have no further comments.  
15       I thank you all for being here, and you'll see  
16       Commissioner Douglas, I'm sure, in a future  
17       hearing. I'm sure her Advisor will catch her  
18       totally up to speed.

19              HEARING OFFICER KRAMER: Thank you all  
20       for coming. Thank you to the city, again, for  
21       providing this facility.

22              And we're adjourned.

23              (Whereupon at 7:55 p.m., the hearing was  
24       adjourned.)

25                              --o0o--

CERTIFICATE OF REPORTER

I, RICHARD FRIANT, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Hearing; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said hearing, nor in any way interested in outcome of said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of November, 2009.

RICHARD FRIANT

AAERT CER\*\*D-479

CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.

November 15, 2009

Margo D. Hewitt

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